

**PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Pulliam v. County of Fort Bend, Texas, et al.

Case No. 4:22-cv-4210

EXHIBIT 8

1 APPEARANCES (all via remote):

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13 ALSO PRESENT: Molly Hanis

14 REPORTED BY: Sarah B. Townsley, CSR, CRR, RPR

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Sheriff Eric Fagan

1 STIPULATIONS

2 IT IS HEREBY STIPULATED BY AND BETWEEN COUNSEL FOR
3 THE PARTIES HEREIN THAT THE ORAL DEPOSITION OF SHERIFF
4 ERIC FAGAN WAS TAKEN BEFORE SARAH B. TOWNSLEY, CRR, CCR,
5 CSR, RPR, CERTIFIED REALTIME REPORTER IN AND FOR THE
6 STATES OF TEXAS AND LOUISIANA, PURSUANT TO NOTICE AND IN
7 ACCORDANCE WITH THE FEDERAL RULES OF CIVIL PROCEDURE AS
8 PROVIDED BY LAW, VIA REMOTE VIDEOCONFERENCE, ON AUGUST
9 29, 2023, AT 9:06 A.M.;

10 THE PARTIES HEREBY WAIVE ALL FORMALITIES IN
11 CONNECTION WITH THE TAKING OF THE DEPOSITION, WITH THE
12 EXCEPTION OF THE SWEARING OF THE WITNESS AND THE
13 REDUCTION OF THE QUESTIONS AND ANSWERS TO TYPEWRITING;

14 THE RIGHT OF THE WITNESS TO READ AND SIGN A COMPLETED
15 TRANSCRIPT OF TESTIMONY IS SPECIFICALLY RESERVED;

16 COUNSEL FOR ALL PARTIES RESERVE ALL OBJECTIONS EXCEPT
17 AS TO THE FORM OF THE QUESTION AND RESPONSIVENESS OF THE
18 ANSWER AT THE TIME OF TAKING OF SAID DEPOSITION, AND
19 THEY ALSO RESERVE THE RIGHT TO MAKE OBJECTIONS AT THE
20 TIME THAT TAKING OF SAID DEPOSITION OF ANY PART THEREOF
21 MAY BE OFFERED INTO EVIDENCE, WITH THE SAME RIGHTS AS IF
22 THE TESTIMONY HAD BEEN GIVEN IN OPEN COURT;

23 SARAH B. TOWNSLEY, CCR, CSR, RPR, OFFICIATED IN
24 ADMINISTERING THE OATH TO THE WITNESS.

25

Sheriff Eric Pagan

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Sheriff Eric Fagan

1 PROCEEDINGS:

2 ERIC FAGAN,

3 having been first duly sworn by the court reporter,

4 testified on oath as follows:

5 COURT REPORTER: We are on the record.

6 It's 9:06 a.m.

7 [Witness was sworn.]

8 EXAMINATION BY MS. HEBERT:

9 Q. Good morning, Sheriff. As you know, my name is
10 Christie Hebert. We met previously, and before we
11 start, I'm going to go through a couple of things. I
12 know that you previously testified in this case, so a
13 lot of these things will sound familiar to you, but I
14 need to state them on the record, nevertheless; do you
15 understand?

16 A. Yes.

17 Q. Okay. As you know, my colleague, Jeff Rowes, is
18 joining us today, as is my colleague, Molly Hanis, and
19 then, in the room with you, you have your attorney, the
20 county's attorney, Mr. Kevin Hedges. Is anybody else in
21 the room with you today?

22 A. No.

23 Q. And then we also have the lovely Sarah as our
24 court reporter today, who's been with us before. Just
25 wanted to introduce Sarah, and she will write down

Sheriff Eric Fagan

1 everything that's said during this deposition, unless
2 she's instructed otherwise, just as a heads-up.
3 Because you're here today, you're just generally
4 waiving any objections to deficiencies in your
5 deposition notice, and you're generally waiving any
6 objections to the lovely Sarah's qualifications as the
7 court reporter to record today.

8 We'll start with opening questions. Can you
9 state your name for the record, please?

10 A. Eric Wayne Fagan.

11 Q. And, as you previously testified, you are the
12 sheriff of Fort Bend County; is that correct?

13 A. Yes.

14 Q. And you are here today testifying on behalf of
15 Fort Bend County; is that correct?

16 A. Yes.

17 Q. And you previously testified under oath in this
18 case?

19 A. Yes.

20 Q. And before we kind of go on, I'll go over the
21 general housekeeping matters for a deposition. You
22 understand, that today, like you previously testified,
23 that you are under oath today, and that's the same as if
24 you were in court testifying before a judge?

25 A. Yes.

1 Q. And that means that you swore to tell the truth?

2 A. Yes.

3 Q. And, as a reminder, it's important that we need
4 to have a clear record. That means I need to ask clear
5 questions, and you need to provide clear answers, and,
6 generally, that means don't shake your head or say
7 "uh-uh" or "uh-huh", because those responses --
8 especially via Zoom -- are difficult for Sarah to
9 capture. Do you understand that?

10 A. Yes.

11 Q. And if you don't understand a question or
12 something that I'm asking, please let me know. I will
13 either ask Sarah, the court reporter, to read back the
14 question, or I will attempt to rephrase. And, again,
15 like last time, let's try to avoid interrupting each
16 other. I'll try and finish my question, and I'll try
17 to avoid interrupting you when you're answering.
18 Finally, you can generally assume that I'm not asking
19 you anything about what your attorney, Mr. Hedges, told
20 you, or any conversations that you had with Mr. Hedges.

21 Your attorney, Mr. Hedges, may state an objection
22 after I ask a question, and this doesn't mean that I've
23 asked a bad question. It just means that Mr. Hedges is
24 preserving his right to make an objection before a judge
25 at a later date to a specific answer or question, and

1 so, in general, you just continue to answer the
2 question after Mr. Hedges' objection, unless he
3 specifically directs you not to answer.

4 We're taking this deposition via Zoom, so if I
5 cut out or freeze, please let me know as soon as
6 possible, and I know that we can all have technical
7 difficulties via Zoom, despite our familiarity in the
8 post-pandemic era, but let's try to agree to be patient
9 with each other if technology issues pop up; is that
10 okay, Sheriff?

11 A. Yes.

12 Q. And, like last time, if you need a break, need
13 to use the restroom, need to get a drink, that's fine.
14 Just let me know, and I'd ask you to try to finish
15 answering a question before taking a break. Is that all
16 right?

17 A. Yes.

18 Q. Is there any reason why you are not able to give
19 your fullest and best testimony today, such as you're
20 taking impairing medicine or something else?

21 A. No.

22 Q. And do you have -- do you understand how you'll
23 access the exhibits that I plan to use today?

24 MR. HEDGES: What we've done,
25 Christie, is we've downloaded those locally to this

1 computer, so I think I can switch screens and play
2 them.

3 MS. HEBERT: Okay, so you have the
4 videos if we need those, and then Molly just shared the
5 link for exhibits as they get marked, as we introduce
6 them, so you'll be able to open that folder, Kevin.

7 MR. HEDGES: In the chat?

8 MS. HANIS: I can always share my
9 screen if that's easier.

10 BY MS. HEBERT:

11 Q. She sent it in the chat, so you guys have your
12 ability to -- she can also share her screen as we go.

13 MR. HEDGES: Okay, well, hopefully,
14 we'll be able to figure that out.

15 BY MS. HEBERT:

16 Q. Okay. If we have unclarity about what document
17 that I'm referring to, or need to sort that out, feel
18 free to just stop me, and we'll make sure that we're all
19 looking at the same place and the same document, in
20 whatever form we need to. And, just like your
21 deposition previously, Sheriff, you have the right to
22 read the document in its entirety. We're not trying to
23 trick you, here, but some documents obviously include
24 material that we're not asking you about today, so I've
25 tried to highlight or identify the particular portions

1 of a document that might be relevant, but it is your
2 right to review the entirety of the document with Mr.
3 Hedges. Do you understand that?

4 A. Yes.

5 Q. And, similarly, we are going to look at some
6 video clips today. To save time, I have identified
7 relevant portions of those video clips, but, again, you
8 have the right to review the entirety of those video
9 clips with Mr. Hedges. To be clear, we're not trying
10 to trick you, or we're not cutting out a specific
11 portion, or trying to make you look bad. Instead,
12 we're just trying to focus on the specific portions of
13 the video that are relative for our conversation today.
14 Do you understand?

15 A. Yes.

16 Q. There's a couple things that I just want to make
17 sure we're clear about on shorthand. If I say "the
18 county", can we agree that I'm referring to Fort Bend
19 County?

20 A. Yes.

21 Q. And if I say "the sheriff's office", can we
22 agree that I'm referring to the Fort Bend County
23 Sheriff's Office?

24 A. Yes.

25 Q. And if I say "the sheriff", can we agree that I

Sheriff Eric Pagan

1 am saying the sheriff of Fort Bend County?

2 A. Yes.

3 Q. I want to talk about your deposition notice.

4 MS. HEBERT: Molly, would you mind
5 bringing up Exhibit A and marking that as Exhibit 1?

6 [Exhibit 1 was marked.]

7 BY MS. HEBERT:

8 Q. Molly, would you mind just scrolling over this
9 document so the sheriff can see the entirety of it?

10 MR. HEDGES: Are you sharing your
11 screen?

12 MS. HEBERT: She is.

13 MR. HEDGES: Okay, I'm in the actual
14 exhibit, so hold on.

15 MS. HEBERT: I was just trying to make
16 it easier for all of us; that way, you can see what I'm
17 seeing.

18 MR. HEDGES: All right, so I think we're
19 good now.

20 MS. HEBERT: So, Molly, would you mind
21 scrolling again just a little bit so the sheriff can
22 see all of the pages?

23 Page 2 and page 3, page 4, and page 5. Let's go
24 back to page 1, Molly.

25 BY MS. HEBERT:

1 Q. Sheriff, have you seen this document before?

2 A. Yes.

3 Q. And I'll represent to you that this is the
4 notice of deposition for the County of Fort Bend. Do
5 you understand that?

6 A. Yes.

7 MS. HEBERT: And, Molly, let's go to
8 page 2; and page 3.

9 BY MS. HEBERT:

10 Q. Sheriff, have you seen this topic list before?

11 A. Yes.

12 Q. And you understand that, today, you are here to
13 testify on the county's behalf as the representative of
14 Fort Bend County?

15 A. Yes.

16 Q. And that means that the county has designated
17 you as its representative; do you understand?

18 A. Yes.

19 Q. And I know that testifying on behalf of an
20 entity -- specifically here, the county -- can make
21 things a little bit awkward, especially when I ask
22 questions about the sheriff, but, because you are
23 answering on the county's behalf, I need to kind of
24 phrase the questions specifically to ask about the
25 county's answers, so, although you are the sheriff, I

Sheriff Eric Fagan

1 might be asking some third-person questions about the
2 sheriff. Do you understand?

3 A. Yes.

4 Q. Okay. Did you do anything to prepare for this
5 deposition, other than speak to Mr. Hedges?

6 A. No.

7 Q. Did you speak to anybody else at the county?

8 A. No.

9 Q. Did you review any particular documents?

10 A. My own deposition last night. I read over it
11 and made corrections.

12 Q. Sure. Anything else?

13 A. No.

14 Q. And did you watch any videos in preparation for
15 this deposition?

16 A. No.

17 Q. Okay.

18 MS. HEBERT: Kevin, I think this is a
19 great time to stipulate on the record, and what I have
20 is that the county is willing and agrees to stipulate
21 that Sheriff Fagan's answers in his deposition can serve
22 as the county's answers to the same questions that were
23 posed to the sheriff.

24 MR. HEDGES: Yes, that's correct, and
25 just to specify that his deposition was taken on August

Sheriff Eric Pagan

1 9th of 2023. We agree to that.

2 MS. HEBERT: Thank you. At this time,
3 I think it would be helpful for us all to take a
4 fifteen-minute break, and I will review the questions
5 that I -- I'm planning to ask the sheriff and make sure
6 that we're trying to be as efficient as possible. So
7 fifteen minutes from now... let's come back at 9:35.

8 MR. HEDGES: Perfect.

9 MS. HEBERT: Okay. Talk to you soon.

10 COURT REPORTER: Off the record, 9:18.

11 [Short recess was taken.]

12 COURT REPORTER: We're back on the record
13 at 9:37 a.m.

14 BY MS. HEBERT:

15 Q. Thank you, Sheriff, for the brief break for us
16 to revise kind of what we're going to ask you today.
17 I'll start with a few basic questions. How many peace
18 officers does the county employ?

19 A. Well, when you ask that question, I'll have to
20 put in the constables, as well, so I couldn't give you
21 an exact number, but I would say over a thousand; well
22 over -- close to 2,000. I have 800 employees at my
23 agency, and different constables' office have their
24 employees. I couldn't give you an exact number.

25 Q. That's okay. And so just let me rephrase to

Sheriff Eric Pagan

1 make sure that I am understanding. You would say the
2 sheriff's office has approximately 800 employees; is
3 that correct?

4 A. Yes.

5 MR. HEDGES: Peace officers.

6 A. You're talking about peace officers, correct?

7 Q. I wasn't sure. I wasn't clear. So the
8 sheriff's office has approximately 800 peace officers?

9 A. Certified officers, not including civilian
10 employees.

11 Q. Okay, thank you. And then the constable's
12 office, which is separate from the sheriff's office --

13 A. Yes.

14 Q. -- they have another number, and you're not
15 exactly sure of the amount that the constable's office
16 has?

17 A. Yes. I don't remember. I have no idea the
18 numbers they have.

19 Q. I understand, but both categories of officers
20 are technically employed by the county?

21 A. Yes.

22 Q. Okay. And about how many or what percentage of
23 the 800 peace officers employed by the sheriff's office
24 will go on patrol?

25 A. On patrol is my second-largest. I'll say

1 anywhere between 575 to 600.

2 Q. So anywhere from 75 officers to --

3 A. 475 -- I said 5 -- 475.

4 Q. So let me make sure that we have a clear record
5 on that. Anywhere from 475 to 700 of the officers of
6 the -- of the peace officers of the sheriff's office go
7 on patrol?

8 A. About 475 go on patrol. I have peace officers
9 that works inside the jail, as well, so they don't go
10 on patrol, and I have peace officers who are
11 investigators, so they don't go on patrol.

12 Q. So approximately 475 peace officers from the
13 sheriff's office patrol?

14 A. Yes. If you give me two minutes, I can call and
15 get the exact number, if that's what you want.

16 Q. No, that's okay. 475, approximately, is fine.
17 About how many people live in Fort Bend County, based on
18 the county's estimates?

19 A. I'll say close to over nine hundred thousand.
20 We're close to -- 885 thousand, close to nine hundred
21 thousand individuals from the last census.

22 Q. Okay. Thank you. That was helpful. We can
23 skip a lot of this. Before we continue, just so Molly
24 has advance notice, Molly, would you mind bringing up
25 Exhibit I? "I", as in "ice cream."

1 [Exhibit 2 presented.]

2 BY MS. HEBERT:

3 Q. Before we continue, I'd like to talk about the
4 county's responses to request for admissions, which
5 we're going to label as Exhibit 2.

6 MS. HEBERT: And, Molly, would you mind
7 scrolling through the pdf of this document just so that
8 the sheriff can see all the pages? We're on page 2,
9 page 3, page 4, page 5, page 6, page 7, page 8, page 9,
10 page 10, page 11, page 12, page 13, page 14, page 15,
11 page 16, page 17, and I believe that's all the pages.
12 Can you scroll back to the top, Molly, the first page?

13 BY MS. HEBERT:

14 Q. Sheriff, have you seen this exhibit before?

15 A. Yes.

16 Q. Did you, on behalf of the county, review the
17 answers to Exhibit 2 to make sure the answers are
18 correct?

19 A. Yes.

20 Q. And did anyone besides Mr. Hedges help you
21 answer these questions?

22 A. No.

23 Q. And, to be explicit, you, on behalf of the
24 county, answered the questions in Exhibit 2?

25 A. Yes.

1 Q. In preparing the responses to the questions in
2 Exhibit 2, did you review the -- the video of July
3 12th, 2021, that is referenced in the questions as part
4 of providing the county's response?

5 A. Yes.

6 Q. And did you review any footage of the events of
7 December 21, 2021, relating to Justin Pulliam's arrest
8 in answering the questions that are part of Exhibit 2?

9 A. Yes. I'd like to qualify those answers. I
10 watched the videos before I answered the questions, but
11 when I watched the videos, I had no idea the questions
12 were coming, so I did watch them -- if you understand
13 what I mean.

14 Q. I do. So let me just break that down. When you
15 say "watch the videos", can you tell me which videos
16 you're referring to?

17 A. At Jones Creek; that -- that video, I watched
18 that one, and then the one with Justin Pulliam was
19 arrested at the standoff at the home.

20 Q. Okay. And how did you access those videos? Did
21 you access those videos as linked in plaintiff's
22 complaint?

23 A. The first time I did it from my office -- my
24 officers, on their body cam, and then the next time I
25 watched them was from the complaint.

1 Q. When you say "officer's body cam", I understand
2 that the officers did not have body cameras in December
3 21, 2021, so --

4 A. Correct. So the vehicle. Thank you for
5 correcting me. It's the vehicle.

6 Q. Okay, so what I understand you to be saying is
7 that you reviewed the dash camera footage from Deputy
8 Ricky Rodriguez; is that fair?

9 A. Yes.

10 Q. And you reviewed the footage from Justin
11 Pulliam's body camera; is that also accurate?

12 A. Yes.

13 Q. Okay. And then later, you --

14 A. Well, I take that -- if that's the video that
15 Mr. Hedges had that he showed me, I'm assuming it came
16 from Justin Pulliam.

17 Q. I can't answer what Mr. Hedges showed you, so I
18 guess I'm asking you about what videos you reviewed
19 before the complaint, and you just explained that you
20 reviewed the footage from -- Deputy Rodriguez's dash
21 camera footage.

22 A. Yes.

23 Q. Was there any other footage of the December 21,
24 2021 events that you reviewed before the complaint?

25 A. No.

Sheriff Eric Pagan

1 Q. And then after the complaint, did you review the
2 footage that Justin Pulliam linked in the complaint from
3 December 21, 2021?

4 A. Yes.

5 Q. I'd like to return to the topic of the county's
6 policies on press conferences. Generally, sheriff, how
7 does the sheriff's office announce that it is holding a
8 press conference?

9 A. My PIO would reach out to the media outlets to
10 come for the press conference.

11 Q. And how does your PIO -- how does the county's
12 PIO reach out to the media?

13 A. I guess by e-mail or call.

14 Q. And is there an e-mail list that the sheriff's
15 office then uses to announce press conferences?

16 A. I wouldn't know. My PIO would have to answer
17 that question. I wouldn't know that. I'm sure they do
18 have a e-mail link, but I never had to use it.

19 Q. Okay, and who is on the list of folks who get
20 the e-mail?

21 A. I wouldn't know that, either. Like I said, my
22 PIO handles that, but I'm sure it's the local news media
23 outlets.

24 Q. Okay, and how does someone get added to the list
25 that the sheriff's office maintains for press

1 conferences?

2 A. I couldn't answer that question, either. Well,
3 I don't know.

4 Q. A press conference is planned in advance, if
5 it's going to be, let's say, held onsite at the
6 sheriff's office, where does the sheriff's office hold
7 the press conference?

8 A. Either in my media room or my bunker room.

9 Q. What was that second one?

10 A. Bunker room.

11 Q. Bunker room.

12 A. Just a big room. We just call it a bunker.
13 It's not a bunker. It's a big room.

14 Q. Okay. That sounded pretty intense, but thank
15 you for clarifying. Who gets to attend a press
16 conference?

17 A. People from the news media outlets that the PIOs
18 invited.

19 Q. And if your average Joe heard about the press
20 conference, would he or she be able to walk in and
21 attend?

22 A. No.

23 Q. Okay. Is there typically someone at the door
24 who's checking IDs?

25 A. Yes, because the press conferences are behind

1 the secured area. You have to have a access code to
2 get there.

3 Q. You need to have a what? What was that?

4 A. A access card to get there.

5 Q. And tell me about an access card.

6 A. It's just a ID card that has -- you scan at the
7 door, and it'll allow you in, because it's behind a
8 secured area.

9 Q. And how does a member of the media get an access
10 code -- or access card, excuse me?

11 A. My deputy at the front desk, after they sign in,
12 she will scan them in.

13 Q. Okay, so let me make sure I understand that. If
14 someone from a Houston TV channel comes to a press
15 conference because they were allegedly invited by a PIO
16 officer, they walk in the door; is that right?

17 A. Yes.

18 Q. They sign in with the deputy at a front desk; is
19 that right?

20 A. Yes.

21 Q. And then the deputy at the front desk hands them
22 an access card --

23 A. No.

24 Q. -- is that right?

25 A. No. The deputy at the front desk then walks

1 them over to the door, uses his or her scan card to scan
2 the door and let them in.

3 Q. Okay, so the press person, the media -- the
4 member of the media does not receive an access card him
5 or her self?

6 A. Correct.

7 Q. Okay, so the deputy lets the media person in,
8 and then the media person proceeds to whatever room
9 you've designated as the location for the press
10 conference?

11 A. Yes.

12 Q. When the media person is signing in with the
13 deputy at the front desk, is that when the media
14 person's ID is checked?

15 A. By the deputy, yes.

16 Q. Okay, and what kind of identification does the
17 deputy check?

18 A. They'll see the call letters of the television
19 or the media outlet, and it asks for ID.

20 Q. Okay, so what kind of identification does the
21 sheriff's office accept?

22 A. For media?

23 Q. Yes.

24 A. The ID and, like I said, the camera has the call
25 letters.

1 Q. Okay. So when you say "ID", do you mean
2 someone's driver license?

3 A. No. Their ID card from the news station, but
4 when people do come in, we do look at the driver's
5 license, as well, too.

6 Q. Okay, so, to summarize, the deputy at the front
7 door asks for their -- their ID from their employer,
8 and potentially the driver's license?

9 A. Yes.

10 Q. Anything else?

11 A. No.

12 Q. Okay, and how does the sheriff's office make
13 sure that the media identification that someone is
14 providing at the front door is authentic?

15 A. Actually, just take their word for it. Like,
16 they come in with a camera man and all that, so they
17 just take their word. We don't vet them at the door.
18 That would be too time-consuming.

19 Q. Sure. Is there any vetting process that occurs
20 before a member of the media comes to the door?

21 A. If the PIO contacted them, that would be the
22 only way they would know about it.

23 Q. Okay. Let me revisit that, then. So the PIO
24 contacting folks and inviting them to press
25 conferences, how does the PIO decide who to send

1 invitations to?

2 A. It's the PIO's discretion. They handle that. I
3 hired them for that purpose. It's not a media person,
4 so that's why I hired people to do that, so that
5 question would have to go to the media person. The
6 PIOs, public information officers, that's their job who
7 to pick and not to pick if it's -- I can't -- I don't
8 know how they do it.

9 Q. But the sheriff supervises the PIO; is that
10 correct?

11 A. Yes. I delegate a person to supervise the PIOs,
12 yes.

13 Q. I'd like to talk about the sheriff's office's
14 policy for behavior that warrants removing someone from
15 a press conference. I expect that the sheriff's office
16 has a policy on removing people who are acting violent
17 or, perhaps, threatening violence; is that a correct
18 statement?

19 A. No, we don't have a policy. We'll just act if
20 someone does it. I don't have a policy for media people
21 on removal.

22 Q. You may not have -- the county might not have a
23 written policy, or the sheriff's office might not have
24 a written policy, but would it be fair to say that that
25 is an informal or unwritten policy that if someone were

1 threatening violence at a press conference or was being
2 violent at a press conference, they would be removed?

3 A. Yes.

4 Q. What other types of behavior warrant removing a
5 person from a press conference?

6 A. Being disruptive.

7 Q. And what does "disruptive" mean to the sheriff's
8 office?

9 A. As far as my standards, interrupting the press
10 conference, not allowing other people to speak, things
11 of that nature. Using vulgarity, things like that.

12 Q. Under the sheriff's office policy, if someone is
13 being disruptive at a press conference, does the
14 sheriff's office require an officer to give a warning
15 to that person before removing them from the press
16 conference?

17 A. It depends on the severity of the disruption.
18 In some cases, you can give a warning. In other cases,
19 you might to act right away.

20 Q. But it depends on the severity of the
21 disruption?

22 A. Yes.

23 Q. I'd like to get some clarification about the
24 training that the sheriff's office provides its
25 officers. Does the training -- does the sheriff's

1 office provide any training to its officers that
2 specifically focuses on the policies of the sheriff's
3 office?

4 A. The sheriff's office -- we have general orders,
5 in that when a person get hired, they're told that they
6 have to read over those general orders and policies.
7 Do we have a class for general orders and policies?
8 No. It's the officer's duty to read over those general
9 orders and policies.

10 Q. Sure. So let me make sure I understand what
11 you're saying. When a peace officer is hired, he or she
12 is expected to read the general orders and whatever
13 other written documents that the sheriff's office
14 delivers as policies, but other than that, there's no
15 specific training the sheriff's office provides on its
16 orders and policies?

17 A. No.

18 Q. Okay. So you previously talked about in-service
19 training in your deposition?

20 A. Yes.

21 Q. Can you -- can the county clarify what it means
22 by a in-service training for the sheriff's office?

23 A. By state law, officers have to take a certain
24 number of hours each year to keep their licenses
25 active. It's called TCOLE hours, the state of Texas,

1 that they have to take. These courses vary in topics.
2 Like legal updates; we have to have legal updates.
3 That's every year you have to do that. Diversity
4 training; that's every year. Now, because of mental
5 illness, we have mental illness training. Like I said,
6 it varies.

7 Q. So when you -- when you are referring to -- or
8 the county is referring to in-service training, the
9 county is referring to training -- TCOLE training that
10 officers are attending?

11 A. Yes.

12 Q. And I understand that "TCOLE" stands for the
13 Texas Commission on Law Enforcement, and that,
14 generally, TCOLE sets kind of the minimum standards for
15 what it means to be a peace officer, and then verifies
16 for provides the requirements for -- the continuing
17 education requirements for maintaining your peace
18 officer license; is that a good summary?

19 A. Yes.

20 Q. And how does the sheriff's office verify that
21 its officers are satisfying TCOLE's continuing
22 education requirements?

23 A. We have a list that the academy staff keeps of
24 every officer's TCOLE hours, and the state notifies
25 each law enforcement agency if someone's in jeopardy of

1 not completing their hours within that time period.

2 Q. Okay, thank you. And I understand that the
3 TCOLE training is kind of general training that is
4 consistent across the state of Texas; is that fairly
5 accurate?

6 A. Yes.

7 Q. So any of the TCOLE training would not be
8 specific to the sheriff's office; is that correct?

9 A. Yes.

10 Q. Does the sheriff's office provide its officers
11 with a list of training topics that they are required
12 to take from TCOLE separate from the state's
13 requirements?

14 A. Yes.

15 Q. And what's on the sheriff's office list of
16 training that an officer must take that is -- that is
17 separate from the -- the states?

18 A. Training that I feel or someone on my command
19 staff feel that it's important for the officer to take.
20 Like mental illness, they're taking more classes on
21 mental -- more than what the state requires because
22 that's something I think is important for them to take.
23 I had a situation about domestic violence here in Fort
24 Bend, so I'm taking some other courses on how to handle
25 family violence situations, so it could be courses that

1 I myself feel they need to take or someone on the
2 command staff think that our officers need more
3 training on, we can require them to take these classes.

4 Q. Okay, I understand. So how is that -- how is
5 the training requirement that you -- you identify, how
6 is that communicated to other officers, to the rest of
7 the sheriff's office officers?

8 A. We send out a e-mail blast through our web --
9 through our e-mail at the sheriff's office that just
10 goes to our employees.

11 Q. So when the sheriff's office identifies a
12 training that its officers need to have that's in
13 addition to the state requirements, there will be an
14 e-mail blast saying everybody needs to take X training
15 by a certain date?

16 A. Yes.

17 Q. What happens if someone fails to take the
18 required training?

19 A. The TCOLE training or the training that --

20 Q. The training that the sheriff's office mandates
21 that they take.

22 A. They could be reprimanded.

23 Q. Okay.

24 A. Anywhere from an oral reprimand, written
25 reprimand to days off.

1 Q. Okay. I'll ask more questions about that in a
2 minute. Let's circle back to that in a minute, but how
3 does -- we talked a little bit about you identifying or
4 a command officer identifying a deficiency in officer
5 training but, how, generally, does the sheriff's office
6 go about evaluating the adequacy of the training that
7 is provided to its officers as a whole? Is there any
8 kind of process?

9 A. Some classes, they have to take tests, and they
10 have to have, like, a minimum score in that class to
11 say that they successfully took the class, but it
12 varies. Some classes don't have tests, so it varies.

13 Q. Okay, so let me make sure I understand that. So
14 the way that you, as the sheriff, and the way the
15 county, through the sheriff's office and any of its
16 command staff identifies inadequacy in officer training
17 is if officers score a certain range on a test?

18 A. In some classes, yes, like I said, but some
19 classes don't have tests that they're in.

20 Q. Okay. I think we might be getting our wires
21 crossed a little bit. You previously said that when
22 the sheriff's office identifies an additional training
23 above and beyond the TCOLE requirements that its
24 officers need, the sheriff's office will send out an
25 e-mail blast saying, hey, officers, you need to take X

1 training by a certain date. How does the sheriff's
2 office identify those kinds of courses that its officers
3 need or are missing?

4 A. Like I said before, it's a class that I feel
5 that I want them to take, get more instruction on.
6 They're still TCOLE classes, but I want them to get
7 more instructions on them. Like the mental illness;
8 they might have several classes on mental illness, and
9 TCOLE said they need eight hours. Well, I want them to
10 take 16 hours, so they need to take another course in
11 that -- I'm just using that as an example.

12 Q. Sure.

13 A. They're still TCOLE classes, but they're extra
14 in that particular area that we want them to take.

15 Q. Sure. So the sheriff, based on his discretion,
16 identifies a particular class, or a command officer
17 identifies a particular class or a particular number of
18 credits in their discretion that they want the rest of
19 the sheriff's officers to take. Is that a fair
20 summary?

21 A. Yes.

22 Q. Okay. Is there any other process for evaluating
23 whether sheriff's office officers need additional
24 training?

25 A. Yes. By the supervisors in the field watching

1 them -- watching body cameras, looking at a certain
2 body camera video, and we see certain things, so we
3 assess that they need more training in certain areas.

4 Q. Okay, so let me just make sure I understand
5 that. Particular supervisors will watch body camera
6 videos and identify areas of need for a particular
7 officer, and then -- and then instruct that particular
8 officer to get additional training? Is that a fair
9 understanding of what you just said?

10 A. That's one of the ways. I said that the -- the
11 supervisors in the field may see a officer deficient in
12 some area, and may think they need more training and
13 also the body camera, as well.

14 Q. Okay, and before body cameras, presumably, it
15 would just be based on a supervisor's field observation
16 of an officer; is that correct?

17 A. Yes, and the dash cam.

18 Q. Okay. That's fair. I understand. So there's
19 kind of two categories, as I'm understanding your
20 testimony, or the county's testimony today. There's
21 the category of the sheriff's office identifies a
22 particular training based on the sheriff's discretion,
23 or a command officer's discretion, and then issues an
24 e-mail blast telling officers they need to take this
25 particular course, and then, additionally, supervisors

1 may identify a particular training for a particular
2 officer based on field performance, whether viewed in
3 the field or via body camera. Are those the two ways
4 that training -- additional training is identified as
5 needed?

6 A. Yes. Pretty much, yes.

7 Q. Okay. And the officers themselves can
8 voluntarily take extra classes if they want?

9 Q. Sure. Of course. Let me just check my notes,
10 here.

11 I want to just ask a couple of questions about
12 discipline in general. So, speaking generally, what
13 are the forms of discipline that the sheriff's office
14 can give when an officer makes a mistake?

15 A. It can vary all the way from oral reprimand, to
16 a written reprimand, to days off, all the way up to
17 termination.

18 Q. When you say "days off", can you explain that to
19 me?

20 A. Not days off. One, two, three days off with no
21 pay.

22 Q. Kind of like a suspension, then?

23 A. Yes.

24 Q. Okay. So, to continue on to something like an
25 oral reprimand, a written reprimand, some kind of

1 suspension, there might be a couple of other actions,
2 and kind of the end result is some kind of termination?

3 A. Yes.

4 Q. And when -- let's start at the beginning. When
5 there is an oral reprimand, is there a written record
6 of that? So let's say, to explain what I mean, let's
7 say a supervisor makes an oral reprimand of a deputy.
8 Would the supervisor write up that oral reprimand at
9 all?

10 A. It'll be documented that he had a oral
11 reprimand, yes.

12 Q. Okay, so every form of the action, from an oral
13 reprimand to, obviously, termination would be written
14 down somewhere in some form?

15 A. Yes. It will be documented, yes.

16 Q. Okay. And how does a supervisor decide what
17 level of reprimand or what level of discipline to use
18 for a particular officer's mistake?

19 A. For minor infractions, it's the supervisor's
20 discretion. When it's something major, it has to go
21 through IAD.

22 Q. What is IED?

23 A. IAD.

24 Q. Oh, internal affairs department?

25 A. Internal affairs division, yes.

1 Q. Okay, and what kinds of things are minor enough
2 that it's just within the supervisor's discretion?

3 A. A officer missed a training period. A officer's
4 maybe came in late to work two or three times and you
5 need to talk to them, things like that. That's minor
6 infraction. A officer not completing a report; a minor
7 infraction, but they do it over and over again, then it
8 escalates to, like I said, the continuum -- oral,
9 written, and things like that, but it's the supervisor's
10 discretion.

11 Q. And what kinds of things would you expect, or
12 would the county expect would be immediately referred to
13 the internal affairs department?

14 A. Excessive force, any actions of excessive force,
15 unjustifiable rudeness -- depends on the -- depends on
16 the type of rule like that, we would look to.
17 Dereliction of duty; a lot of things it could be.

18 Q. Sure. So if someone, a citizen, made a
19 complaint to the sheriff's office that an officer was
20 incredibly rude, would that go to the internal affairs
21 department?

22 A. Yes. The supervisor would immediately look at
23 the body cam -- the body cam, and, also, I started
24 something here when I became sheriff. It's called
25 mediation. Sometimes we mediate the offense if a

1 offense was rude to -- a citizen felt like they were
2 rude, we can mediate it.

3 Q. And what does "mediate it" mean?

4 A. Mediation. You go before a mediator, you have a
5 third non-biased person in the room with them, a
6 certified mediator, where the officers sit down with
7 the citizen, and they discuss the issue that the
8 complaint is on, and they try to work it out there,
9 and, by mediate -- mediating it, it doesn't have to go
10 to IAD, and this citizen feel like they have a part of
11 it and the officers also feel like a part of it.
12 That's something new that I started when I became
13 sheriff. Mediation. I should have said that. We don't
14 always go to IED and that's a part of the -- we have
15 mediation.

16 Q. I understand.

17 Okay, I'm going to switch topics and discuss the
18 sheriff's office response to just calls and incidents
19 and policies on that. In general, can you tell me
20 about how the sheriff's office classifies, calls and
21 responses? And, to clarify what I mean, there, for
22 example, I'm thinking about the Department of Homeland
23 Security and how they have their various color
24 classifications of threats and how security folks need
25 to respond to a particular threat level. Does the

1 sheriff's office have a system for classifying, let's
2 say, the priority of calls that come in?

3 A. Yes. Code 1, 2, and 3.

4 Q. And can you explain what the codes 1, 2, and 3
5 mean?

6 A. Code 3 is not that serious. Code 2 is a little
7 serious. Code 1 is very serious.

8 Q. So there are three levels, 1 being the worst and
9 3 being not serious at all?

10 A. Not that it's not serious at all. Just get
11 there when time permit you to get there. Code 2, more
12 expedient to get there. Code 1, you immediately head
13 that way.

14 Q. How is that code communicated to officers in the
15 field?

16 A. They learn the different codes in the academy
17 before they get to the field, and then when they get
18 with the trainer, they go over it again. They also get
19 trained -- they just don't go straight to the car.
20 They have to have a trainer, and they go over the codes
21 with them to explain the importance of it, things like
22 that.

23 Q. So officers on patrol are familiar with the
24 codes, to be fair?

25 A. Yes.

1 Q. And then for a particular call, how does the
2 classification work? What's the system?

3 A. I'm not really sure --

4 Q. Sure. How does a call get a priority level?

5 A. Oh, it depends on the severity of the call.
6 Dispatch decides what type of code is it. If a weapon
7 is involved, if there's a mental patient involved, if
8 someone committed a -- say they're going to harm
9 themselves. It varies. Could be a illness; it just
10 varies.

11 Q. So would it be fair to say, then, that dispatch
12 assigns the priority number based on the facts that are
13 called in?

14 A. Yes, and then when the officer get there, he
15 could upgrade it. He or she could upgrade the call if
16 seen necessary.

17 Q. Okay, so let me understand that. Like, if it's
18 level 3, the lowest-priority call, the officer on-scene
19 can say, no, really, it's a level 2 --

20 A. Yes.

21 Q. -- and upgrade the -- okay.

22 A. Yes.

23 Q. And how -- how are the priority codes -- the
24 priority numbers -- is that the right way to phrase
25 that? Priority numbers? How are they communicated to

1 officers for a particular call? So how would an
2 officer know what calls are number 1, for example?

3 A. It can either go through the radio by mic, or it
4 can be typed to a -- teletyped to them on the MDT, the
5 computer in their car.

6 Q. MDT, can you explain what that stands for, for
7 me?

8 A. Mobile data terminal.

9 Q. And that's just the computer that officers have
10 in their vehicle?

11 A. Yes.

12 Q. So we talked through a couple of prior
13 scenarios, just so I can understand the priority
14 system. If there was, a -- let's say a car accident
15 where no one was injured, but were parked on the side
16 of the road, what priority level or what number would
17 the sheriff's office assign to that type of call?

18 A. No injuries, just a minor accident, side of the
19 road be a code 3, minor. It would be a low-priority
20 call.

21 Q. And what about a general welfare check?

22 A. We do welfare checks. It depends on the type of
23 welfare check. If it's something that we on a regular
24 basis -- because people can call in to ask us to do
25 welfare checks on their loved ones. That's a code 1.

1 When they have time, they'll go by there. If we get
2 called in for a welfare check, because someone called
3 in and said, "I haven't heard from my mother in two or
4 three days, and she's known to be sickly. We want to
5 check on her", that probably will code a code 2 call.
6 We'll try to call and see if we can contact, then we'll
7 send a unit over. If we know that someone's hurt or
8 they said that someone's hurt, that will be a code 1.
9 We know we need to get emergency people out there right
10 away.

11 Q. Let me just make sure I understand, because I
12 think you might have misspoke there, a little bit. The
13 first scenario that you just walked through where
14 someone just, like, generically calls in asking for a
15 welfare check, that would be the lowest priority of 3;
16 is that correct?

17 A. No. The first one I was saying, we have a -- a
18 program here --

19 Q. Sure.

20 A. -- where people can sign up and ask us to check
21 on their loved ones. It's called -- we just check on
22 them. We check on them periodically, and we'll go by
23 and check on them, because they ask us, would you mind
24 checking on my mother, she lives alone, things like
25 that, so that's a low priority. It's not low priority,

1 because that's your loved one, but, to us, we'll go to
2 check on them when -- like, you don't have any calls
3 holding, you'll go check on that house to make sure
4 she's all right; or he.

5 Q. I understand. And it's not that it -- it would
6 be classified as a number 3, not because it's not a low
7 priority. It's just, relative to the other calls that
8 come in, it's when you have time --

9 A. Yes.

10 Q. Okay.

11 A. Yes.

12 Q. And I understand that we just talked about the
13 ways that the sheriff's office classifies the priority
14 levels of a -- of a -- of a call, but is there a way
15 that the sheriff's office classifies -- separate from
16 the priority level, is there a way that the sheriff's
17 office classifies the type of response that might be
18 needed? So here's kind of what I'm thinking, here. Is
19 there a way that the sheriff's office communicates to
20 its officers that you need to be in your S.W.A.T. gear,
21 for example, when responding to this call, even though,
22 you know, you wouldn't necessarily need to be in your
23 S.W.A.T. gear for every priority one call?

24 A. Yes.

25 Q. And can you tell me about that system?

1 A. If you get there -- get the call that there's a
2 barricaded person, or if there's a possible hostage
3 situation, something like that, we know to send out
4 S.W.A.T., more than just one unit, because of the
5 safety of the officers and the safety of the public, so
6 you know you want to -- you know, the S.W.A.T., like
7 you said, bring S.W.A.T. out there, not just one unit.

8 Q. And how would dispatch, I think -- I believe it
9 would be dispatch. How would dispatch communicate that
10 need?

11 A. The same way -- by radio or over the radio, or
12 Teletype. Most likely, in these type of situations it's
13 going to be the radio, because you make sure that they
14 have -- got the message, and also using the MDT, as
15 well.

16 Q. Okay. So let me break that down a little bit,
17 then. If dispatch wants to be sure that its officers
18 -- that the sheriff's office officers generally got a
19 particular message, the dispatcher will put it on the
20 radio?

21 A. Put it on the radio, yes.

22 Q. But if something is maybe conveyed in text via
23 the MDT system, there's not necessarily the presumption
24 that an officer's going to know it?

25 A. No, it is a presumption, because they're ordered

1 to watch the MDT, as well. It's just -- how can I put
2 it? They send it over -- something like a S.W.A.T.
3 situation, they're going to send it over the mic, but
4 they're also going to send it through MDT, as well.
5 It's presumed all officers at all time to monitor their
6 MDTs and monitor the radio, so it's presumed that they
7 receive the message, regardless. This is just a extra
8 step that we do.

9 Q. I understand. Thank you. And thank you for
10 your patience with me as I understand the -- learn the
11 acronyms, too.

12 A. Not a problem.

13 Q. I'd like to talk a little bit about the crisis
14 intervention team, and I understand that the sheriff's
15 office has a particular team called the crisis
16 intervention team, and that is a specialized unit
17 within the sheriff's office; is that fair?

18 A. Yes.

19 Q. And can you tell me under what umbrella of the
20 sheriff's office, under what part of the organization
21 the crisis intervention team falls?

22 A. Under the chief. I take that one very
23 seriously. I personally made that up under my chief
24 deputy. I placed them under her.

25 Q. The crisis intervention team is directly

1 supervised by the sheriff's office chief deputy?

2 A. Yes.

3 Q. Okay. And I understand from the crisis
4 intervention team's website that there's approximately
5 15 sheriff's officers who are devoted to the crisis
6 intervention team. Is my understanding correct?

7 A. Yes, 16 with the lieutenant that's over, so when
8 you count him, it's 16, but 15, yes.

9 Q. Sure. I understand that the crisis intervention
10 team works pretty closely with different healthcare
11 providers, such as the focus from TXANA; is that
12 correct.

13 A. Yes.

14 Q. And are TXANA employees classified as part of
15 the sheriff's office?

16 A. No.

17 Q. And are, to your knowledge, and to the county's
18 knowledge, are TXANA employees peace officers?

19 A. No.

20 Q. What types of calls are classified as crisis
21 intervention calls?

22 A. When someone's in mental crisis, someone with
23 mental illness, these types of calls, calls where we
24 know a personal with mental illness is there. We want
25 to send someone specially-trained to deal with these

1 individuals, to deescalate it. In the past, in law
2 enforcement, we didn't really understand mental
3 illness, and some people got harmed -- the officer or
4 the individual got harmed because we didn't have the
5 knowledge of mental illness. The CIT people are
6 specialty-trained to recognize mental illness, so we
7 have them there, and we have TXANA there because
8 they're even more trained. That's their job, to know
9 mental illness, so, sometimes, we want to -- we want
10 TXANA to be there with us; licensed counselors and
11 things like that to be with us to help better -- help
12 better serve the public with mental illness.

13 Q. I understand, and that makes a lot of sense to
14 me. What is the typical -- and I think you were
15 talking about this a little bit, but I want to kind of
16 make it explicit. What is the typical response for a
17 crisis intervention call? Does that mean that, when
18 there's a crisis intervention call, when someone, for
19 example, calls in and says there might be someone with a
20 mental health need, does that mean only a crisis
21 intervention team member responds to that call?

22 A. No. If they're available. If they're
23 available. Mental illness is vast, and sometimes when
24 we have a call for mental illness, a CIT, the other CIT
25 officers, all fifteen, they might be at other -- other

1 calls and they're not booked. Well, I can't ignore that
2 call, so we have to send a officer out there that's not
3 a CIT officer, but we do our best to try to send a CIT
4 person to a mental illness when we can, but does it
5 happen all the time? No, and I'm sorry -- because I
6 don't have all of them trained -- all CIT-trained
7 officers. I wish I did, but I don't.

8 Q. Sure. So does the CIT -- if there is a CIT
9 officer available, and that officer can respond, is
10 that the -- that officer the only person who goes to
11 the call, or do other deputies also go to the call?
12 What's the ideal response to a crisis intervention call
13 for service?

14 A. A call for service for a mentally ill --
15 possibly a mental -- person in crisis, we send an
16 available CIT person out there. That CIT -- he or she
17 see that they need more help, they can call for backup
18 either from a regular officer or another CIT officer to
19 come out there.

20 Q. Okay, so let me make sure that I understand
21 that. If there is a CIT person available, he or she
22 goes out by themselves and just kind of does an
23 assessment of what's going on, and he or she will then
24 radio for backup to see if additional deputies are
25 needed. Is that a fair summary of the ideal response?

1 A. Yes, if the CIT deputies feel like they need
2 more help, they can request for more help, yes.

3 Q. And when a call for service comes in where
4 there's someone in crisis, would the dispatch
5 specifically contact CIT team members or -- go ahead.

6 A. Sorry. They will bump to see if a CIT unit is
7 available.

8 Q. What does that mean, I'm sorry?

9 A. I'm sorry, they would radio to see if a CIT
10 person is available. "Bump" mean -- I apologize,
11 they'll radio to see if a CIT unit is available.

12 Q. So the dispatcher would radio out something
13 like: Any CIT folks available to respond to a call of a
14 -- someone who might have bipolar disorder, and if they
15 said yes, the dispatcher would send whatever team
16 members said they were available; is that fair?

17 A. Yes.

18 Q. And if there were no CIT members available, what
19 would happen?

20 A. A regular unit would go.

21 Q. A regular unit would go?

22 A. Yes.

23 Q. But that conversation would be reflected on the
24 dispatch log or the radio; is that fair?

25 A. Yes.

1 Q. Okay.

2 A. Yes.

3 Q. How does TXANA usually get informed of a
4 potential crisis intervention call? What's the process
5 for getting them out there?

6 A. We actually have TXANA people inside our
7 dispatch, as well. They listen for the calls, or if
8 it's a call where a person is having a weapon or
9 harming someone, it's kind of a high level. We
10 probably want to take a TXANA person with us to help
11 bring the person down.

12 Q. So does that mean that there are TXANA people at
13 the sheriff's office every day?

14 A. In our dispatch. We have a grant that pays --
15 pays them. I don't know if the grant ran out yet or
16 not. I hope they're still there.

17 Q. Okay. So the county believes that there are
18 TXANA employees in the dispatch center?

19 A. Yes.

20 Q. Okay. And what about TXANA employees who might
21 ride along, or come with a -- an officer who's
22 responding to a call? Where do those TXANA employees
23 come from?

24 A. From TXANA. Both. I'm not saying all TXANA's
25 in my dispatch. I said we have some in dispatch, and we

1 do have some that ride along with us, as well.

2 Q. Okay. So let me make sure I understand that.

3 So if the sheriff's office determines that a TXANA

4 employee is needed, will they pick up -- will an

5 officer pick up someone from the dispatcher center?

6 A. No.

7 Q. Okay, so the dispatched TXANA focus just stay in

8 dispatch?

9 A. Yes. Now, if they ever have picked up someone
10 from dispatch, I don't know. They may have --

11 Q. Sure.

12 A. But I don't believe they have, but I don't know.

13 Q. That's okay. You're just testifying about the

14 county -- on behalf of the county and the county's

15 policy. So, generally, it's not the county's policy

16 that a deputy or another officer should go pick someone

17 up from dispatch to use as a TXANA person?

18 A. Yes.

19 Q. And so when an officer determines that they need

20 a TXANA person to come out to a call, does the officer

21 then call the TXANA center and then go pick someone up

22 and drive out to the call? Is that a fair understanding

23 of what happens?

24 A. Yes, but, like I said, some TXANA people ride

25 along with our CIT, so some of them may be already

1 there. If someone is not there, yes, they can request
2 for TXANA person to come.

3 Q. Okay. So let me make sure I understand that.
4 There are TXANA people who go out on patrol with the
5 crisis intervention team members; is that right?

6 A. Yes. On some occasions, yes.

7 Q. And --

8 A. That's not every day -- I wish it was every day,
9 but it's not a everyday thing.

10 Q. So how often does that usually happen, then?

11 A. I don't know. I couldn't answer that question.

12 Q. Okay. Other than -- I might come back to the
13 TXANA piece in a minute, but other than members of the
14 crisis intervention team, do sheriff's officers receive
15 specialized training on crisis intervention calls?

16 A. Yes.

17 Q. And can you tell me about that specialized
18 training?

19 A. It's the T -- well, I'm saying TCOLE. It's also
20 requested also requested a meet-up (unintelligible) to
21 come to my office to give a class. We can request
22 people to come over from the mental health side to come
23 and give courses on things like that to all the
24 deputies, but, like I said, CIT take special training
25 they constantly take -- like, say my officers have to

1 take 16 hours of mental health. Well, TXANA -- I'm
2 sorry, not TXANA -- my CIT people would probably take
3 24 hours of courses. They usually take way more mental
4 health courses than what my regular -- a regular deputy
5 does.

6 Q. I understand. I understand.

7 MR. HEDGES: Christie, I just got a
8 notice that my battery's running low, and I think I'm
9 plugged in, so I'm going to be rooting around under the
10 table for a second.

11 MS. HEBERT: Let's take a brief break.
12 I've got to use the restroom, anyway. Why don't you
13 get that sorted out, and let's come back at, say,
14 10:45.

15 MR. HEDGES: Okay. We'll be here.

16 COURT REPORTER: Off the record, 10:32.

17 [Short recess was taken.]

18 COURT REPORTER: Back on the record at
19 10:44 a.m.

20 MS. HEBERT: Kevin, we asked the
21 sheriff, on behalf of the county, a bunch of questions
22 about the list for press conferences, and who gets
23 contacted, who's on the list for notification about
24 press conferences, and, essentially, how the PIO
25 officer decides who gets notified of a press

1 conference. One of the topics you might recall from
2 the deposition notice is the sheriff's office practices,
3 generally, with press conferences, and I know that the
4 sheriff's been designated as the county's
5 representative, and he's testified that he doesn't know
6 this information. Given that it's like 10:45, I wanted
7 to suggest that perhaps the sheriff could either call
8 the PIO officer and get that information and,
9 therefore, be able to testify about it now, or e-mail
10 the PIO officer, and then be able to read the e-mail
11 into the record as his testimony. What are your
12 thoughts on doing that now, Kevin?

13 MR. HEDGES: I think that's fine.
14 It's -- it's not lunchtime, so someone ought to be
15 available.

16 MS. HEBERT: Right. That's why I
17 brought it up now rather than waiting till lunchtime or
18 the afternoon.

19 MR. HEDGES: Okay, well, the sheriff's
20 making the call right now.

21 MS. HEBERT: Sure. Sheriff, do you
22 want to take a break to make that call, or do you want
23 to just make it here?

24 THE WITNESS: I can make it here.

25 MR. ROWES: We can go off the record

Sheriff Eric Pagan

1 while the sheriff makes the call.

2 COURT REPORTER: Off the record, 10:46.

3 [Off the record.]

4 COURT REPORTER: Back on the record at
5 10:52.

6 BY MS. HEBERT:

7 Q. Sheriff, I understand that you have collected
8 additional information from your PIO officer on the
9 sheriff's office's practices for press conferences; is
10 that correct?

11 A. Yes.

12 Q. And with whom did you speak to collect that
13 information?

14 A. Michelle, Domenico -- Damonico -- I cant
15 pronounce her last name.

16 Q. Michelle Domenico, we'll call her for lack of a
17 better pronunciation; and she's part of the public
18 information office?

19 A. Yes.

20 Q. And as I understand it, Ms. Domenico testified
21 that the PIO office maintains a list of folks that the
22 sheriff's office will invite to press conference; is
23 that contact?

24 A. Yes.

25 Q. And the PIO office will e-mail that list when

1 the sheriff's office is holding a press conference in
2 advance; is that correct?

3 A. Yes.

4 Q. And the PIO office decides who is on that list;
5 is that correct? They assemble the list?

6 A. Yes.

7 Q. And, as I understand it, the folks who are on
8 the PIO office's press conference list get added in one
9 of two ways. First, they get added if they ask to get
10 added, and then the PIO office confirms that they
11 should be on the list, and then the second way is if
12 the PIO office asks the media person the -- if the
13 office directly asks the media person if they want to
14 be on the list, and the media person says yes. Are
15 those the two ways that the folks get added to the PIO
16 office's list?

17 A. Yes, from what I understood, yes.

18 Q. And if I understood Ms. Domenico's information,
19 the PIO office assesses whether a particular person who
20 wants to be on the list is credible or not credible; is
21 that a fair assessment?

22 A. Yes. From what I understood, she said she
23 researched the social media to see if they have a media
24 presence, yes.

25 Q. And so, as I understand it, Ms. Domenico said

1 that she has not come into contact with any person that
2 didn't have an online media presence with a media
3 outlet that she was familiar with; is that correct?

4 A. Yes.

5 Q. And that, if she has any questions about whether
6 a particular person should be on a list or not, on if
7 -- if Ms. Domenico -- let me clarify that and start
8 over. If Ms. Domenico has any questions about whether a
9 person should be on the PIO office's press conference
10 list, she will speak to her direct supervisor for
11 clarification; is that correct?

12 A. Yes.

13 Q. And to summarize, the sheriff's office creates
14 and maintains the list of who gets invited to press
15 conferences; is that fair?

16 A. Yes.

17 Q. Okay. I think that's all that I'm going to ask
18 about the press conferences for now. If something else
19 comes up, we can revisit the topic. I want to talk a
20 little bit about what we were talking about with --
21 with the TXANA folks. We were talking -- before Kevin
22 had a battery issue, we were talking about the TXANA
23 folks who go along with the sheriff's office officers
24 on service calls. Who determines when a TXANA employee
25 needs to attend a call with a CIT team member or another

1 deputy?

2 A. The field supervisor.

3 Q. So a call comes in, and a field supervisor makes
4 the decision of whether we need -- they need a TXANA
5 person or not?

6 A. Yes.

7 Q. And who would be a field supervisor? Would that
8 be a sergeant who was on patrol?

9 A. Sergeant or lieutenant.

10 Q. Okay. And I understand from your deposition as
11 the sheriff, that TXANA folks sometimes train with Fort
12 Bend County sheriff's officers; is that correct?

13 A. Yes. When I say "trained", I don't mean they're
14 out there in the field with us or anything like that.
15 We sit down to discuss scenarios and things like that;
16 what you should do when certain things happen. They're
17 not at my academy, or running routes and stuff like that
18 with us, no.

19 Q. So they're not, like, in a field where they're,
20 you know, practicing certain things where the sheriff's
21 office? It's more of a meeting?

22 A. Yeah, across the table sitting down and talking,
23 yes.

24 Q. Sure. That's helpful, thank you. And,
25 presumably, TXANA has all sorts of employees, just like

1 the sheriff's office does. You know, accounting
2 people, HR, maybe administrative assistants. Can you
3 help me understand what type of TXANA employees will go
4 on call with the sheriff's office? Is there a specific
5 category?

6 A. Mental health counselors; people in mental
7 health. Those are the people we deal with with TXANA.
8 If they deal with anyone else other than that, I
9 wouldn't know about it.

10 Q. Sure. So some kind of mental -- mental
11 health-specific -- to the county's knowledge, do the
12 folks -- the TXANA employees who do ride-alongs or come
13 on particular calls with the sheriff's office, do they
14 have to have any particular training or certification?

15 A. Yes.

16 Q. Can you tell me about that?

17 A. That would be verified through TXANA. It would
18 be a certified counselor, someone like that; certified
19 counselor in mental health.

20 Q. But the sheriff's office itself doesn't do any
21 independent verification of the qualifications of TXANA
22 employees?

23 A. No. We trust -- I'm sorry, we trust TXANA to do
24 that.

25 Q. Sure. And does the sheriff's office itself

1 do any independent training of folks who ride along
2 with the sheriff's office? So, for instance, "This is
3 how you need to proceed on -- on a call", and, "Here's
4 what you're doing wrong, here", that kind of training?

5 A. After the incident, I'm pretty sure they discuss
6 what we can do better, what could be done better, things
7 like that, yes.

8 Q. Okay. So, as I understand your answer, there's
9 no advanced training for a TXANA employee who's
10 accompanying a sheriff's office officer, but there
11 might be some kind of after-action review?

12 A. Yes. When we say "advanced", I'm pretty sure
13 that they talked to them -- the field people do talk to
14 them. S.W.A.T. do talk to them. I'm not there
15 personally to say that they do or don't do, but I'm
16 pretty sure that they do before a situation to take
17 place, I'm pretty sure they have a plan of action of
18 what they want them to do in their roles -- what their
19 roles would be.

20 Q. Okay, so let me make sure that I understand
21 that. In general, is -- these meetings that you talked
22 about about how the sheriff's office and TXANA
23 structures its relationships. Is that one of the forms
24 of communication that's going on?

25 A. Yes.

1 Q. Okay. And then before a specific call, officers
2 will have conversations with the TXANA employees of
3 saying something along the lines of: This is the call
4 that we're responding to, here's what we want you to do,
5 here's how this is going to go. Is that fair?

6 A. Yes. Plan of action, yes.

7 Q. Yeah, a plan of action for that particular call?

8 A. Yes.

9 Q. And then after the call, the TXANA and the
10 sheriff's office officers may review how the call went
11 and discuss how things can go better in the future?

12 A. Yes.

13 Q. Is that a fair summary of kind of the
14 relationship, in terms of training or how a call should
15 go between TXANA and the sheriff's office?

16 A. Yes.

17 Q. Okay. That's helpful, thank you. And for a
18 welfare check, how would the sheriff's office expect,
19 generally speaking, TXANA to conduct him or herself
20 during a welfare check?

21 A. For a TXANA to go to a welfare check, it have to
22 be a certain criteria. They don't go on every welfare
23 check. There's no reason for them to go to every
24 welfare check, so if a TXANA person is going with
25 someone on a welfare check, certain criterias must have

1 taken place for them to call for a TXANA person to come
2 with them. Like, a welfare check that a person is
3 planning on harming themselves, or a person has a -- a
4 weapon and things like that might have a TXANA person to
5 go out there. If a person's barricaded, known to be
6 mentally ill, might have a TXANA person to go -- to go
7 out there to try to talk to the person from a safe
8 distance, counsel them. They'll be more trained on how
9 to handle that person; better equipped, I should say, on
10 how to handle that person without anyone getting hurt or
11 harmed.

12 Q. Okay. Thanks. Let me summarize and make sure
13 that I have all of that. So the kinds of criteria for
14 situations where a TXANA employee would be asked to
15 accompany an officer, those types of situations include
16 where someone threatened to harm themselves, maybe has
17 a weapon, barricaded him or herself -- and/or has a
18 known mental illness. Am I summarizing that correctly?

19 A. Yes. TXANA would be called. On the barricade
20 one, we probably would add S.W.A.T., as well.

21 Q. Can you explain to me what barricade means? How
22 do you identify whether someone's barricaded something?

23 A. When we say "barricaded", we mean that the
24 person is locked into a room or some type of structure
25 that he has blocked off where we can't reach him or

1 her, or the -- and the person has a weapon, a weapon
2 that could harm someone on the outside or on the inside
3 that's being barricaded. We can't reach them, and they
4 -- and it's blocked -- the entranceway is blocked in
5 some fashion by a locked door or some type of debris.

6 Q. Okay, so there's specific criteria for
7 barricading, which you just outlined, and to determine
8 whether someone has barricaded him or herself in, an
9 officer would try to enter, and then would see that they
10 couldn't enter; is that fair?

11 A. Or you'll scan the area. We're talking about
12 things that have to take place in seconds. Not
13 minutes.

14 Q. Sure.

15 A. They have to evaluate real quick to see if that
16 person is barricaded or not. We'll ask them -- the
17 person to come to the door. We'll ask the person by
18 loudspeaker to come to the door. We'll ask if the door
19 was checked. We'll go up with a -- a shield, a
20 ballistic shield sometimes to check the door to see if
21 it's locked or something like that, so it's things that
22 we have to do very quickly to see if we need to call
23 S.W.A.T. out, or it could be the call that we got that a
24 person say my loved one is barricade -- we'll take their
25 word for it. We're not going to take a -- we're going

1 to take their word for it, and we'll assume that that
2 person is barricaded, and we're going to treat that as a
3 barricaded situation.

4 Q. Sure, and if there was a barricaded situation,
5 that would be -- I can't remember the acronym you told
6 me. I want to say the MDT --

7 A. You got it. You got it. Yes.

8 Q. Okay. So if someone were barricaded, that would
9 be relayed and confirmed via the radio and the MDT
10 system?

11 A. Yes.

12 Q. Okay. A couple of other questions about the
13 TXANA and the relationship -- the relationship of the
14 sheriff's office with the TXANA folks. At a welfare
15 check or another call, are there specific
16 responsibilities or actions that the sheriff's office
17 would generally expect a TXANA employee to take?

18 A. Well, we're not the specialists in the mental
19 part of it, so we follow their lead, but we make -- they
20 have to make sure that they have to stay as safe as
21 possible, and to also stay away from application
22 actions, let us do our job, but we take the lead on how
23 to do escalate. If they say, look, give me more time to
24 talk with the person. We're dealing with a mental
25 person, it -- like, say -- y'all picked on my friend

1 Hedges all the time. I'm going to pick on your people
2 now. Say we have to go to Molly's house, and she's
3 mentally ill with a weapon, and then we go to Sarah's
4 house. Well, she's not mentally ill, but she has
5 barricaded herself in. It might take us five hours to
6 deal with Sarah, whereas it might take us anywhere from
7 16 to 18 hours with Molly because of the mental
8 illness. We'll take more time and caution with those.

9 Q. I understand. And I appreciate the example. So
10 it would be fair to say that the TXANA folks from the
11 sheriff's office perspective are the experts on the
12 mental health side in your consulting with the experts;
13 is that fair?

14 A. Yes.

15 Q. And would it be fair to say that the sheriff's
16 office officers -- the deputies, lieutenants,
17 sergeants, you name it -- they're the experts on safety,
18 and TXANA folks should listen to the officers on issues
19 of safety?

20 A. Yes.

21 Q. That's fair. I would like to talk about the
22 sheriff's office's policy on filming the police. Does
23 the sheriff's office have a formal written policy on
24 citizens filming the police and how its officers should
25 interact with those citizens?

1 A. I don't know if we have a formal policy. I
2 think we have a GO. I don't read them all off, because
3 I have a lot of things to do. I would think they do.
4 I've told them a citizen has the right to film. There's
5 no problem with a citizen's filming, as long as they're
6 a safe distance. I always say that.

7 Q. Okay, let me make sure I break that down, then.
8 As you sit here today testifying on behalf of the
9 county, you are not sure if there is a formal written
10 policy that the sheriff's office has for how all
11 officers should interact with citizens filming police?

12 A. We have a GO about media relations. I'm not
13 sure if it covers that, but, like I said, officers
14 should know -- if there's legal updates we have every
15 year, they address that, so there is a policy that
16 officers should know that citizens have every right to
17 film -- I mean, First Amendment right. They have a
18 right to -- if it's out in the public, you can't stop
19 someone from filming, but maintain a safe distance.

20 Q. Sorry, I missed that last bit.

21 A. As long as it's in a safe distance and not
22 interfering with police actions.

23 Q. I got it. So you referenced the media relations
24 order, and I know that we've already stipulated that
25 your testimony -- your previous testimony also counts

1 for the sheriff's office, and we've looked at that
2 general order on media relations and the various
3 versions of that GO previously, so we can kind of put
4 that one to the side, but you talked a little bit about
5 a legal update. Can you tell me more information about
6 the legal update?

7 A. Every year, we have a legal update. When
8 legislation comes to do the -- like, the 85th
9 legislation, they have new laws and things like that.
10 Well, we have to have a legal update where all officers
11 are required to have -- to go over that legal update.

12 Q. Sure. And so that legal update comes from
13 TCOLE? It's a state-mandated legal update; is that
14 fair?

15 A. It come from the legislation. TCOLE require us
16 to do it, but the -- the actual law come from the
17 legislation.

18 Q. Sure. That makes total sense; but the TCOLE
19 training is summarizing the legislation from that --

20 A. Yes.

21 Q. -- year's legislature?

22 A. Yes.

23 Q. And you mentioned that you have told your
24 officers that they should let someone film police
25 activity, so long as that person is doing so from a safe

1 distance; is that correct --

2 A. Yes, and not interfering with police actions.

3 Q. And can you tell me how you've told your
4 officers that? How did that get communicated to -- of
5 the eight-hundred-some-odd peace officers that you have
6 under your authority?

7 A. From my command staff to their -- to the
8 supervisors, from the supervisors to the officers. I
9 tell my command staff, who tell the captain, who tell
10 their lieutenant, who tell the sergeants, and it get
11 down to the men and women in the field.

12 Q. Okay. Sure, I understand. And can you tell me
13 more about the sheriff's office's policy? I know you
14 talked a little bit about the fact that folks are
15 supposed to be able to film, so long as they're at a
16 safe distance and not interfering with what's going on.
17 How does an officer determine what a safe distance is?

18 A. That's the officer's discretion on that scene.
19 That's that officer's discretion.

20 Q. And is that discretion ever evaluated? How does
21 -- how does the sheriff's office determine whether its
22 officers are abusing that discretion in its decision to
23 determine where folks filming police should be located?

24 A. If the person that was-- in a scenario where a
25 person was told to stop or to get back too far, anything

1 like that, they would have to make a complaint and then
2 we'll hear about it and we'll investigate it, or we
3 catch it on a body camera. If we saw something on body
4 camera we didn't think was right, we'll investigate it.

5 Q. So those are the two ways that an abuse of
6 discretion might be flagged --

7 A. Yes.

8 Q. -- complaint or body camera, so before body
9 camera, it would just be complaint?

10 A. Correct. Yes.

11 Q. Thank you. And then you talked a little bit
12 about interfering with police activity. How would an
13 officer evaluate if filming was interfering with police
14 activity?

15 A. It could be many ways. It could be where
16 someone's -- let's say they had a barricaded area, and
17 we had a barricaded person with a high-powered rifle,
18 and we tell the person, "look, you need to get back.
19 You need to get back", and they're in the line of fire.
20 Well, my officer would have to turn their back. Him or
21 her would have to turn their back to have that person
22 to move if they wouldn't do it verbally. Now, you're
23 interfering, now you're causing my officers in danger,
24 you're endangering your life, as well as the officer's
25 life.

1 Q. Sure. Under the sheriff's office policy, when
2 can an officer essentially prevent or prohibit someone
3 from filming? What are the categories of situations
4 when an officer from the sheriff's office should prevent
5 or prohibit someone from filming?

6 A. Well, like the scenario I just gave you, it's
7 not -- it's not necessarily preventing them from
8 filming, but if you arrest that person, they can't film
9 anymore.

10 Q. Sure.

11 A. So I don't -- if you understand what I'm saying,
12 it's not that we're stopping that person from filming.
13 We're arresting that person because they were
14 interfering, so once we make that arrest, he or she
15 can't film anymore.

16 Q. Of course. Under sheriff's office policy, does
17 an officer have a duty to state their justification
18 before arresting someone for -- while they were
19 filming, if possible? So, unless there's, I don't
20 know, a scenario where it makes it not feasible to give
21 a warning, is an officer required to give a warning
22 before arresting that person who was filming?

23 A. If it's -- if time permits, yes. Like you said,
24 depends on the situation. Is it a requirement? No.
25 It's not a requirement.

1 Q. So there's no requirement, but is it recommended
2 by the sheriff's office that, if time permits, you warn
3 a person that's filming: Hey, look, you're not safe,
4 orb or, hey, look you're in the way. If feasible?

5 A. Yes, if feasible, yes.

6 Q. But that's not a requirement. That's just the
7 sheriff's office recommendation?

8 A. Yes.

9 Q. And, again, that recommendation is probably
10 conveyed down the chain of command to folks in the
11 field; is that fair?

12 A. Yes.

13 Q. Does a sheriff's officer generally have a duty
14 to inform their supervisor of their justification before
15 arresting someone who's filming police, if it's
16 feasible?

17 A. No.

18 Q. So there's no kind of obligation or
19 recommendation that an officer run it up the flag pole
20 before arresting someone who's filming?

21 A. No.

22 Q. Does an officer -- a sheriff's officer have a
23 duty to inform him or her supervisor that they arrested
24 someone who was filming police after the arrest, as
25 soon as possible? So, immediately after the arrest,

1 let your supervisor know: Hey, I arrested someone.

2 They were filming, but this is why I arrested them. If
3 feasible.

4 A. It's not a policy, no.

5 Q. Does the sheriff's office have a policy on the
6 responsibilities of the supervisor when a citizen is
7 arrested while filming police? And by that, I mean, if
8 it's feasible, if it's tactically feasible or possible,
9 does the supervisor have any kind of responsibility to
10 interact with the person filming police, maybe warn
11 that citizen that their actions, if continued, may arise
12 to the level of an offense?

13 A. If a supervisor is on the scene -- if that
14 supervisor's there on the scene, yes. I'm not really
15 understanding your question. You mean if a person
16 making an arrest of a person they felt was interfering
17 when they were filming and they make the arrest, if a
18 supervisor wasn't on that scene, is that officer
19 obligated to go tell the supervisor later: Look, I
20 arrested someone. He was filming, and these are the
21 reasons why. Is that what you're asking me, or are you
22 asking me, every time they make an arrest, they have to
23 inform the supervisor of it?

24 Q. I had asked -- this is kind of a separate
25 question from what I'm asking now, but I had asked you

1 previously if a subordinate officer had any obligation
2 to immediately notify their supervisor after they
3 arrested someone for -- while that someone had been
4 filming, of their justifications for the arrest, and
5 you had answered no. Do you -- do you want to change
6 that?

7 A. No.

8 Q. Okay. And then, now, I was kind of asking you
9 about any unique responsibilities of a supervisor him
10 or herself. So if a supervisor is on-scene, does that
11 supervisor have any obligation or duty to interact with
12 someone who was filming police. For example, if the
13 citizen who was filming, if their actions, if
14 continued, would rise to the level of some kind of
15 offense, would the supervisor have a duty to inform
16 that citizen: Hey, stop what you're doing, or it's
17 going to rise to the level of offense? If tactically
18 feasible.

19 A. If tactically feasible. Yes, I would agree with
20 that. Yes.

21 Q. And how does the sheriff's office ensure that
22 its officers are correctly carrying out this policy
23 that's been conveyed via the chain of command?

24 A. By the field supervisor's observation, and by
25 body cameras. And by complaints.

1 Q. Sure. I'm writing that down, too. Thanks. And
2 before body cameras, it would be just observations and
3 complaints; is that fair?

4 A. And dash cams.

5 Q. Yes, and dash cams, okay. Does the county have
6 any information about where field officers have
7 observed the sheriff's officers not following this
8 policy? So we just talked a little bit about the four
9 ways that the sheriff's office uses to check whether
10 its officers are complying with the policy on filming
11 the police, and I'm asking about the first category,
12 observations by field officers. Does the county have
13 any examples or knowledge about specific observations
14 of its officers failing to comply with the county's
15 policy on filming the police?

16 A. Not that I know of.

17 Q. Sure. And does the sheriff's office have any
18 knowledge of any instances where body camera footage,
19 for instance, showed that its officers were not
20 complying with the policy on filming the police?

21 A. Not that I know of.

22 Q. And does the county have any complaints about
23 its sheriff's officers not complying with the policy on
24 filming the police?

25 A. Yes.

1 Q. And can you tell me about those complaints?

2 A. I only know of one; Justin Pulliam's.

3 Q. Okay. And does the sheriff's office have any
4 dash camera footage of sheriff's office officers not
5 complying with the policy on filming the police?

6 A. No. And I should make a correction. We also
7 receive calls about -- complaints about not allowing
8 people filming from out of state, and we get
9 threatening calls about things like -- I don't know who
10 these people are. It's just out of state numbers,
11 calls, and e-mails, and stuff like that, so, yeah, we've
12 got numerous -- this all happened after the Pulliam
13 incident.

14 Q. So other than the Pulliam -- the facts
15 surrounding Justin Pulliam's arrest, the sheriff's
16 office and the county has never received a complaint
17 about its officers restricting the rights of citizens to
18 film the police?

19 A. Since I've been sheriff, no, I -- can't say
20 never, because I wasn't sheriff before 2021, so --

21 Q. Sure.

22 A. -- since I've been here, that 's the only one
23 that I can recollect, is Pulliam's.

24 Q. Bear with me, because we've covered a lot of
25 this already, so I'm just going through my list.

1 I'd like to jump quickly, Sheriff, to the events
2 at Jones Creek Ranch Park on July 12, 2021. We already
3 previously talked about the events in the park and just
4 outside of the park in your prior deposition, but, to
5 make things easier today, if I say "Jones Creek", can
6 we generally agree that I'm referring to Jones Creek
7 Ranch Park, and if I'm referring specifically to the
8 creek, I will let you know?

9 A. Yes.

10 Q. So in your prior testimony, we talked a lot
11 about the video footage and we reviewed the video
12 footage of the press conference, and your comments to
13 Detective Hartfield and Detective Hartfield's comments
14 to Justin Pulliam, and what happened with Justin
15 Pulliam, but as you sit here today testifying on behalf
16 of the county, is there anything that should have been
17 done differently concerning the sheriff's office
18 interaction with Mr. Pulliam on July 12, 2021?

19 A. No.

20 Q. Okay. I'd like to talk about the events on
21 December 21st, 2021, and you're aware that a sheriff's
22 officer arrested Justin Pulliam for interference with
23 public duties on that date, correct?

24 A. Yes.

25 Q. And I understand on -- on December 21, 2021,

1 that sheriff's officers were dispatched to the
2 residence of Edwin Kraft and his mother, Frances Kraft;
3 is that correct?

4 A. Yes.

5 Q. And I'd like to take a look at a document
6 concerning that event.

7 MS. HEBERT: Molly, will you bring up
8 Exhibit O and mark that as Exhibit 3?

9 [Exhibit 3 was marked.]

10 BY MS. HEBERT:

11 Q. Now, Sheriff, I'll represent that Exhibit 3 is a
12 document received by plaintiff, Justin Pulliam, in
13 response to an open records request to the sheriff's
14 office. Can you have tell me what this document is?

15 A. A call slip.

16 Q. So when I say "call slip", I'll refer to this
17 type of document; is that fair?

18 A. Yes.

19 Q. And is a call slip created for every call that
20 the sheriff's office receives?

21 A. Yes.

22 Q. And what's the purpose of the call slip?

23 A. It shows you the time the call went in, and
24 different radio traffic that went on during that call.

25 Q. Can we start at the top of this document and

1 just kind of work our way down, so that I understand
2 what it's saying? At the very top, it says a police --
3 and it's a little bit obscured by the "you are viewing
4 Molly Hanis screen", but it says, "Police event", and
5 then there's a pound sign and a number -- just leave it
6 there, Molly, on page 1.

7 At the very top of this page that says, "Police
8 event", there's a pound sign and then a number. Can you
9 tell me, does a number get assigned to every call? Is
10 that -- is that correct?

11 A. Yes.

12 Q. And then the next line says "Detail history for
13 police event." The detail history, is there -- is that
14 the automatic -- what's generated for this police event
15 for a call slip; is that fair?

16 A. Yes.

17 Q. And I see that the date listed in this line,
18 "Detailed history for police event number", is as of
19 1/3/2022. Why is the date on this document about two
20 weeks after the event? Can you explain that to me?

21 A. It probably generated the form at that time when
22 they requested it. That's the time that they printed it
23 out; the date --

24 Q. Okay, so that's -- that's telling you when the
25 document was generated, when it's pulled off the

1 system?

2 A. Yes.

3 Q. And what does, "Output for SCP001" mean?

4 A. I assume it's coming from a certain computer.

5 I'm not really sure about that one.

6 Q. That's fine, so as far as the county is aware,

7 it's some kind of indicator, maybe, that it's coming

8 from a particular computer or a particular officer, or

9 something along those lines?

10 A. Yes.

11 Q. Can we go to the next line, "Priority 3, types",

12 and it looks like "assault" -- a dash, and "assault" to

13 me. Let's break that down. What does "priority 3"

14 mean?

15 A. Type of call, the urgency.

16 Q. Okay, so this is what we talked about earlier

17 with the, like, numeric classification system of 1, 2,

18 3?

19 A. Yes.

20 Q. And then "type" what does that mean?

21 A. Type of call. Is it an assault call? Is it a

22 accident? It's just the title of the call. What

23 offense or what -- why are we going to that location?

24 The reason we're at that location.

25 Q. Sure, and "ASLT-assault", do you know what that

1 means?

2 A. Abbreviation for assault.

3 Q. So abbreviation for assault and dash "assault",
4 does that mean anything in particular, versus just a
5 regular assault?

6 A. No. Doesn't mean -- just abbreviation.

7 Q. Sure. And bear with me. I understand, like,
8 the next lines are about location, then there's a -- a
9 box that starts with the line that says "created", and
10 then a timestamp and other things. Can you walk me
11 through what this box generally shows?

12 A. "Created" is when the time the call came in,
13 when created, and then the next line, "entered", it was
14 entered by the dispatcher at that time, and then
15 "dispatch", that's when they radioed it to a unit, and
16 "en route", the unit that accepted the call gave them
17 the time they were en route, gave a control number at
18 that time. Then "outcome", if the -- the time it was
19 completed, if a report was made, then it -- it was
20 completed with a report or an arrest, then "closed",
21 they closed it at that time.

22 Q. Okay, thanks for that clearer summary. I want
23 to just ask a couple of follow-up questions. You said
24 the "en route" line indicates when the first officer was
25 en route to the scene; is that fair?

1 A. Yes.

2 Q. And then "on scene", does that mean that's the
3 time when the first officer was on the scene; is that
4 correct?

5 A. Arrival time, yes.

6 Q. And what does the line for "control" mean?

7 A. That line is where the officer or officers feel
8 like they're taking action. What's going on at the
9 scene? They're doing something. They're in action
10 right then.

11 Q. Okay. So would "control" mean that the
12 situation is under control at that time? Is that a
13 fair --

14 A. Yes. They took some type of action, and they
15 have it handle -- well, not really handled, but under
16 control.

17 Q. Okay, so the -- the line "control" and a
18 timestamp means, at this time, the officers radioed or
19 confirmed that the situation was under control; is that
20 correct?

21 A. Yes.

22 Q. Okay. I think I understand all of that box,
23 then. I want to go down to the next line that says "IC
24 unit prime." Can you explain to me what that means?

25 A. Oh. The unit number of the officer.

1 Q. Oh, okay. I see it. So "IC unit prime" and the
2 primary responder is that next unit of 24P10?

3 A. Yes.

4 Q. And what does "dispo ARPF" mean?

5 A. The secondary unit, and then the -- the district
6 and beat that the call came from.

7 Q. No, I think --

8 A. I'm sorry, that's the dispatcher. I'm sorry.
9 That's the dispatcher -- radio pat 2, radio 2 from the
10 dispatcher.

11 Q. So wait. To the "DISPO ARPF", is that the
12 dispatcher's initials, then?

13 A. Yeah -- "pat 2" is radio 2. That could be the
14 dispatcher's initials, but "pat 2" mean radio 2.
15 That's where the dispatcher is sitting at in dispatch.

16 Q. I'm going to try something here. Bear with me.
17 I just -- I want to be clear. I'm going to draw an
18 arrow to the thing that I'm referring to. Can you see
19 that?

20 A. Yes.

21 Q. "DISPO ARPF"; I'm specifically asking about
22 that. What does that mean?

23 A. I think that's the initials for the actual
24 dispatcher.

25 Q. Okay. I just wanted to make sure I understand.

1 Thank you. That's helpful. I think I understand,
2 generally, the rest. The agency is the sheriff's
3 office, that's correct?

4 A. Yes.

5 Q. Okay, and then the others would be the location
6 of -- that the officers were going to, and the dispatch
7 area. The case numbers, I think that's
8 self-explanatory, and the next line -- I want to
9 continue to the line after that. It starts with
10 "9/24/19, CST", and then there's a bunch of numbers
11 following that in the left column. Do these indicate
12 the timestamp of various events?

13 A. It has the location --

14 Q. So I'm asking generally, and I'm going to -- I
15 don't know how to undo -- we're experimenting here
16 together, Sheriff. This column here, are these the time
17 stamps --

18 A. Yes.

19 Q. -- and by "here", I'm referring to the numbers
20 on the very left-hand side of the page. Are these the
21 timestamps for the actions that are taken on the rest of
22 the columns going right?

23 A. Yes.

24 Q. Okay. And then I want to talk about the first
25 one, which is this one that starts with "9/24 /19 CST"

1 --

2 A. Okay.

3 Q. -- and that one says "create." What is that
4 talking about?

5 A. This is the location. It gives the location,
6 what -- the location, the name, phone number. It's just
7 the descriptors of the location.

8 Q. And then I see that it says "Type description:
9 Check on welfare" -- that was a terrible zero -- circle.
10 My apologies, Sheriff. I see where it says,
11 "Type/description: Check on welfare." You see where my
12 indicator is?

13 A. Yes.

14 Q. What does that mean?

15 A. Just the type of call. Is it welfare check,
16 possible -- just giving details of the call, why we
17 were there. The location and the type of call, why we
18 were there; and then we go down further, they explain
19 it.

20 Q. Okay, it seems like that type description is
21 different from the type that we talked about before with
22 assault; is that -- is that accurate?

23 A. Yes. And that could happen.

24 Q. Tell me about that.

25 A. Okay. It -- on this call, the mother had called

1 in for her son that was in mental crisis. He had a
2 weapon; that brought in an assault. It was still a
3 welfare check, checking on his wellness and to try to
4 bring him down, so it can be an assault and a welfare
5 check all at the same time.

6 Q. Okay, so let me make sure that I understand what
7 you're saying there. Initially, this call was
8 classified as a check on welfare, and then it later got
9 changed to a type assault based on the subsequent
10 events; is that fair?

11 A. It all happened at the same time. You never --
12 it was assault at the very -- because he had a weapon
13 and threatening, and it's a welfare check because we
14 know he's mentally ill, so it's -- it happens at the
15 same time. It could be two things at one time.

16 Q. Okay. So wouldn't, then, the -- okay, so it
17 could -- well, then why wouldn't it list up at the top,
18 "Type: Welfare check", comma, "assault"?

19 A. Because we don't do it that way. It's just more
20 detailed.

21 Q. Sure. And I guess, then, one of the questions I
22 have -- Molly, can you go -- we'll come back to this
23 page. Molly, can you scroll down to the next page,
24 please? Oops. I've got to take all these marks off.
25 Hold on, Sheriff. Apparently, they stay on the thing.

1 Molly, can you go to the next page, please?

2 Okay, Sheriff, I'm going to highlight a section.

3 It starts down here at 11:09:09, and can you explain to
4 me what this entry means?

5 A. "Type: Check, assault. Description: Check
6 welfare, assault." What we talked about earlier.

7 Q. It seems like, to me, based on this indicator,
8 that the type was changed from a check to assault and
9 then the type description was changed from check on
10 welfare to assault. Is that fair?

11 A. When you're saying "changed" --

12 Q. And it says "11:09:09", and the next line says
13 "change."

14 A. Yes.

15 Q. So is it fair for me to say that, at 11:09:09,
16 type of call was changed from a welfare check to
17 assault --

18 A. Yes.

19 Q. -- and the type description was changed from
20 "check on welfare" to "assault"?

21 A. Yes.

22 Q. Okay. That's all. I just wanted to make sure I
23 was reading this document correctly.

24 Molly, can you go back to the first page?

25 Sheriff, I want to go back to this first entry

1 here. We already talked about priority 3, but can you
2 tell me what this "Response: Standard" means?

3 A. Standard response? I'll get there as soon as
4 possible, when time permits.

5 Q. Okay.

6 A. Well, I shouldn't say when time permits. En
7 route; get there as soon as possible.

8 Q. Okay. And then I want to look at the next
9 entry. It looks like at 9:28:08, someone entered a
10 comment. Who would -- where would this comment come
11 from?

12 A. I would think -- it could either come from the
13 dispatcher or from the MDT from the officer.

14 Q. Okay. So we're not really sure who put the
15 comment in, but there's some kind of comment here?

16 A. Yes.

17 Q. And then at 9:28, same timestamp, the next line
18 below, and there's two timestamps. It says "subject."
19 I think that this seems pretty apparent to indicate
20 that there's two subjects, potentially, at the
21 property, and their names, date of births, and ages; is
22 that fair?

23 A. Yes.

24 Q. The next line starts with "09:28:08", and there
25 is a -- after that time stamp there's a dash, "NPREMS."

1 What does that mean?

2 A. I don't see -- would you --

3 Q. Yeah, sure, I'll circle it. What does this
4 indicate?

5 A. No more. No more comments.

6 Q. No, no. This one. Let me see if I can make it
7 clearer. Hold on. I'll do it in red. This "NPREMS"
8 thing right there.

9 A. Not really sure.

10 Q. Okay. Let's go to 9:28:26 where it says "no
11 more" right there. What does that mean?

12 A. No more comments at this time.

13 Q. Okay. So if I -- if I were to conclude that all
14 of the stuff before "no more", that's the preliminary
15 information coming from the dispatch, for lack of a
16 better descriptor?

17 A. Yes.

18 Q. Okay. And then at 9:30:16, this line here, I'll
19 try to highlight it -- what's going on on that line?

20 A. The operator -- where you have it highlighted is
21 from dispatch. Just the dispatcher's name.

22 Q. Okay, and then what is this -- what's going on
23 with Officer Rodriguez here? Is it -- is this number
24 indicating -- this "22P14", does that mean Officer
25 Rodriguez?

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1 A. His radio number.

2 Q. Okay, so 22P14 -- am I saying that right?

3 A. Yes. I think "24 Paul" -- I can't see it --

4 Q. Yeah, sure. So I'll say -- we can zoom in
5 there, Molly, a little bit, I think. Well, if we
6 can't, we can't. Thank you. And I'm going to take
7 these marks off and see if that helps.

8 A. Yes, 22 Paul 14 Rodriguez.

9 Q. So 22 Paul 14, whenever we see that, that means
10 Officer Rodriguez; is that fair?

11 A. Yes.

12 Q. And I guess that means that 22P10, does that
13 mean Officer Lacy?

14 A. Yes.

15 Q. And so at 9:30:16, is the dispatcher indicating
16 that these two officers are responding to the call?

17 A. Yes.

18 Q. Okay. I want to talk about these entries with
19 "backer." 9:30:24, there's two indicators, two
20 timestamps that say "backer." I'm circling that there.
21 What does "backer" mean?

22 A. I'm assuming this is the dispatcher. Not really
23 sure.

24 Q. So something about "backer." And it looks like
25 this Officer Guajardo was, maybe, dispatched; is that

1 fair?

2 A. Yes.

3 Q. And then is -- maybe Officer Rosalyn Jenkins was
4 dispatched?

5 A. Yes.

6 Q. And then it looks like Officer Rollins was
7 dispatched.

8 A. Yes. Oh, backup units. Backer.

9 Q. At 9:30:24, these were the backup units
10 dispatched?

11 A. Yes.

12 Q. So at 9:32:42, there was this message relayed.
13 What does this mean?

14 A. On-scene.

15 Q. Okay, so 9:32:42, 24 Paul 10, which was --
16 Officer Lacy was on-scene; is that what that means?

17 A. Yes.

18 Q. And then the next time entry, 09:36:15, says,
19 "LOGM." What does "LOGM" mean. Do you see where I'm
20 referring to --

21 A. Yes, I'm reading the message to the side,
22 because it states what's going on.

23 Q. Sure. And I guess that gets to the point, this
24 is a lot of text, here, so I'm curious, like, how the
25 officer who's responding to the scene has the time to

1 type all this up, and so I'm just curious. What is
2 this, where does it come from, how does the officer do
3 it?

4 A. Well, other officers are on the scenes. While
5 one person is doing something, they might go back and
6 type in, so it varies. That's why you have different
7 radio numbers, sometimes, on a call slip.

8 Q. Well, it looks like, though, only Officer Lacy
9 was on-scene this time, and it looks like the 24 Paul
10 10, which is Officer Lacy, this looks like the message
11 is coming from him -- or her --

12 A. Him.

13 Q. -- or her, okay. This message is coming from
14 him, but then there's a giant message number, and
15 message type text. Can you -- do you know what this is
16 about?

17 A. No.

18 Q. Okay. Let's skip to the next page. I'm going
19 to try to clear my markers off. Go back. Sorry,
20 Sheriff. I didn't mean to cut you off.

21 A. That's all right. I was reading, and it looked
22 like prior convict -- prior things that happened with
23 this location, because it said, "intoxication",
24 "includes stalking" -- just a prior history.

25 Q. So how -- how would this be generated? How did

1 this information come to be? And how did it end up in
2 this report? I'm not trying to catch anybody, here.
3 I'm just trying to understand what this thing is --

4 A. No --

5 [Reporter warning.]

6 BY MS. HEBERT:

7 Q. We're overlapping each other too much, so we'll
8 try to stop interrupting each other as much. Just as a
9 reminder, a deposition can always be a natural
10 conversation.

11 So this entry at 9:36:15 that says "LOGM", how
12 does this information get here?

13 A. They probably ran -- ran the subject -- and that
14 takes seconds -- out of a computer and got prior
15 history, or trying to get a warrant, and it's coming
16 from the 434th Court, Judge Becerra -- I was just
17 reading it, then I saw what it was. Got height and
18 weight descriptors of the suspect, and things like that.

19 Q. Okay, so would it be --

20 A. And that's --

21 Q. No. Go ahead. I didn't mean to cut you off.

22 A. I was just going to say that could be a quick
23 check. You can ask the dispatcher to do it and --
24 you're talking seconds.

25 Q. Okay, so it would be fair to say, at 9:36:15,

1 Officer Lacy ran Edwin Kraft through the system, and
2 this is what came back?

3 A. Yes.

4 Q. Okay. Molly, would you scroll down to the next
5 page? And look at -- I want to start with the
6 timestamp that says "9:49:02", and I'm going to circle
7 that, just to help identify it, and it says, "OK", and
8 then it says 24 Paul 10, which I understand to be
9 Officer Lacy, and then there's a comment, "Standing by
10 for another unit. Have P14 stop it up." Did I read
11 that correctly?

12 A. Yeah, I think they meant to say "step it up."

13 Q. Oh, okay. So "have P14", which I understand to
14 be Officer Rodriguez, step it up? Like, get there
15 sooner?

16 A. Yes.

17 Q. So at 9:49:02, what does "okay" mean?

18 A. I think it's from the MDT, coming from the
19 officer on the mic.

20 Q. Right, and so, I mean, you see "MISC", "MISC",
21 "MISC", and then you see, "OK" at 9:42:02. What does
22 "OK" mean, compared to "MISC", which I assume stands for
23 "miscellaneous"?

24 A. I'm thinking it's either the MDT or by mic. We
25 can call dispatch and find out real quick.

1 Q. Sure.

2 MS. HEBERT: Sarah, why don't we take a
3 brief moment off the record while the sheriff finds out
4 this information.

5 COURT REPORTER: Off the record, 11:50.

6 [Off the record.]

7 COURT REPORTER: Back on the record at
8 11:58.

9 BY MS. HEBERT:

10 Q. Okay, Sheriff, so we were just talking about
11 9:49:02, and the message right next to that is "OK."
12 Can you tell me what that means?

13 A. They checked on the officer to see if the
14 officer was okay.

15 Q. And then the officer relayed that they were
16 okay? That's what that means?

17 A. Yes.

18 Q. Okay. So just to make sure we've got a clear
19 record, because we were stepping on each other little
20 there -- sorry, Sarah. Don't be mad -- at 9:49:02, the
21 dispatcher was checking on the officer and the officer
22 relayed that they were okay and that they were on
23 standby, essentially?

24 A. Yes.

25 Q. Okay. I want to look at the next line. I'm

1 going to try to remove the annotation. At 9:42 --
2 9:49:42. I'm going to circle that annotation. At
3 9:49:42, there's a indicator of miscellaneous, and it
4 looks like 24 Paul 10, which we understand to be Officer
5 Lacy, commented subject -- which -- "SUBJ", which I
6 assume means "subject", "at back of residence with
7 baseball bat." Am I reading that correctly?

8 A. Yes.

9 Q. And does that mean that Officer Lacy radioed
10 that the subject, which I assume was Edwin Kraft, was at
11 the back of the residence with a baseball bat?

12 A. Yes.

13 Q. Okay. And then I want to look at the next
14 entry, which is 9:50:16, and then it says "MISC", and
15 then we see 24 Paul 10, which we understand to be
16 Officer Lacy, and then, "Comment: Parties separated -
17 mom outside with me- SUBJ inside the residence." Did I
18 read that correctly?

19 A. Yes.

20 Q. And I understand that to be saying, based on
21 your prior testimony, that at 9:50:16, Officer Lacy
22 radioed that the parties were separated. The mom, Mrs.
23 Kraft, was outside with Officer Lacy, and the subject,
24 Edwin Kraft, was inside the residence; am I reading that
25 correctly?

1 A. Yes.

2 Q. If you want to look at the next line, which
3 starts at "9:55:23, miscellaneous", and then I'm going
4 to read that. 24 Paul 10, "Comment: Keeping an eye on
5 the door from a distance until SUPV make LOC." Did I
6 read that correct?

7 A. Yes.

8 Q. Correctly. And based on your prior testimony, I
9 understand that at 9:55:23, Officer Lacy, 24 Paul 10,
10 radioed that he was keeping an eye on the door from a
11 distance until something happened. Can you explain to
12 me what "SUPV make LOC" means?

13 A. Until the supervise make the location.

14 Q. Okay, so based on this entry, Officer Lacy was
15 standing outside the door from a distance until a
16 supervisor arrived; is that fair?

17 A. Yes.

18 Q. And then the next line has "09:55:29, on-scene",
19 which I think you already testified this means
20 on-scene -- 22 Paul 14, "comment: Out." Did I read
21 that correctly?

22 A. Yes.

23 Q. And what does "comment: Out" mean?

24 A. Arrival.

25 Q. Okay, so at 9:55:29, this means that 22 Paul 14,

1 which you previously testified is Officer Rodriguez,
2 arrived on the scene; is that accurate?

3 A. Yes. They use the term "out." I didn't use
4 that when I was on the street. "I used AR", but he used
5 "out."

6 Q. And you understand that means "arrived"?

7 A. Yes.

8 Q. This next line, it says, "9:55:42,
9 miscellaneous", the 24 Paul 10, "Comment: W/M BLK over
10 BLU." Did I read that correctly?

11 A. Yes.

12 Q. And based on your prior testimony, I understand
13 this to mean that Officer Lacy made some kind of
14 comment over the radio. Can you tell me what the
15 comment was?

16 A. White male, black over blue clothing. I'm
17 thinking descriptors.

18 Q. Okay, so in this point -- at this time, Officer
19 Lacy was describing Edwin Kraft; is that fair?

20 A. I would -- I would think so, yes.

21 Q. The next line, 10:00:16, we see, "OK" again, and
22 then we see 22 Paul 14, 22 Paul 10. Did I read that
23 correctly?

24 A. Yes.

25 Q. And based on your prior testimony, I would

1 understand this line to indicate that the dispatcher
2 checked on the two deputies in the field, and they
3 radio back -- they radioed back that they were okay?

4 A. Yes.

5 Q. The next line, 10:00:42 miscellaneous, 22 Paul
6 14 comment "Justin Pulliam, journalist on-scene", did I
7 read that correctly?

8 A. Yes.

9 Q. Based on what we talked about already today, I
10 would understand this to be saying that at 10:00:42,
11 Officer Rodriguez radioed that Justin Pulliam -- which I
12 think is a typo or a misspelling of Justin Pulliam, was
13 on-scene as a journalist; is that correct?

14 A. Yes.

15 Q. Okay, and then I'm going to look at the next
16 line, which I'm going to circle. 10:01:41, on-scene
17 22S7, comment: Out." Did I read that correctly?

18 A. Yes.

19 Q. And at this time, some other officer is on the
20 scene; is that what this is indicating?

21 A. Yes.

22 Q. And I can't remember who this one was. Molly,
23 can we go back to the first page, please? Let's --
24 22S7, does that refer to Taylor Rollins?

25 A. Yes.

1 Q. So left's go back to page 2, Molly.

2 At 10:01:41, "On-scene 22S7. Comment: Out."

3 Does that mean that officer Rollins had arrived?

4 A. Yes.

5 Q. And then at 10:03:05, "On-scene 2M7", does that
6 mean whoever that officer, I think that was the officer
7 Guajardo -- Guajardo that we looked at previously; is
8 that correct?

9 A. Yes.

10 Q. And then I want to look at this 10:16:40. There
11 was a radio -- at 10:16:40, we see the message, "OK 22
12 Paul 14, 2M7, 22S7, and 24 Paul 10"; is that correct?
13 Did I read that correctly?

14 A. Yes.

15 Q. And does this mean all the -- the dispatcher --
16 the dispatcher checked on all the officers on-scene, and
17 they radioed back that they were okay?

18 A. Yes.

19 Q. I think we can skip a lot of this next couple of
20 entries. Let's look down -- Molly, could you scroll
21 down just a little?

22 I want to look at 10:39:56, and I'm going to
23 circle that. I'm going to read that. 10:39:56, "Misc
24 2M7, Comment: Mom said he left the house", and then
25 there's some numbers, "down there screaming." Did I

1 read that correctly?

2 A. Yes.

3 Q. And does this mean that the mom, Frances Kraft,
4 relayed to some officer -- I assume 2M7 -- that Edwin
5 Kraft was no longer in the house?

6 A. Yes.

7 Q. Okay, I want to look at the next line of
8 10:42:25, and this says, "Miscellaneous: 24 Paul 10.
9 Comment: Subject on foot headed out. Poss have a
10 weapon. Set up perimeter." Did I read that correctly?

11 A. Yes.

12 Q. And does that mean at 10:42:25, Officer Lacy
13 radioed a message to the dispatch and to the other
14 officers; is that correct?

15 A. Yes.

16 Q. And, as I understand Officer Lacy's comment
17 that's memorialized here, he was saying that the
18 subject, Edwin Kraft, was on foot; is that a correct
19 understanding of this writing?

20 A. Yes.

21 Q. And that Edwin Kraft was headed out, and we
22 don't know exactly what "headed out" means, but it says
23 "headed out."

24 A. Yes.

25 Q. And "poss have a weapon", does that mean that

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1 Officer Lacy at that time thought that Edwin Kraft
2 possibly had a weapon?

3 A. Yes.

4 Q. And when Officer Lacy said, "set up perimeter",
5 was Officer Lacy instructing other officers to set up a
6 perimeter?

7 A. Yes.

8 Q. I want to look at the next line of 10:42:31, and
9 it looks like this comment came shortly after -- seconds
10 after the last comment. The line says, "10:42:31, MISC
11 24 Paul 10. Comment: May be a long gun." Did I read
12 that correctly?

13 A. Yes.

14 Q. And, as I understand it, based on your prior
15 testimony about this document, this line is saying that
16 at 10:42:31, Officer Lacy radioed that the weapon that
17 Edwin Kraft may have might be a long gun; is that
18 accurate?

19 A. Yes.

20 Q. Let's skip down to 10:46:33. This one right
21 here, Sheriff. It's easy to get lost in these numbers.
22 Do you see where I'm indicating 10:46:33?

23 A. Yes.

24 Q. I'm going to read this line. "10:46:33, MISC,
25 22 Paul 14. Comment: Call mother ADVD her to leave LOC

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1 with screeners." Did I read that correctly?

2 A. Yes.

3 Q. And, as I understand this line, Sheriff, this
4 line is memorializing the fact that at 10:46:33,
5 Officer Rodriguez radioed that someone needed to call
6 the mother, Frances Kraft, and advise her to leave the
7 location with some screeners. Is that correct?

8 A. Yes.

9 Q. And would the screeners refer to TXANA
10 employees?

11 A. I would assume so.

12 [Off-the-record discussion.]

13 MR. HEDGES: I'm back, Christie. Thank
14 you for the break.

15 BY MS. HEBERT:

16 Q. Sure. So I want to look at the -- another line,
17 which is 10:49:07. Can you see where I'm circling?

18 A. Yes.

19 Q. And I'm going to read that line. "10:49:07,
20 MISC. Comment: CT ADVD mother to leave LOC." Did I
21 read that correctly?

22 A. Yes.

23 Q. And, as I understand it, some comment was
24 entered that CT advised mother to leave location. Is
25 that understanding correct?

Sheriff Eric Pagan

1 A. Yes.

2 Q. Does this doesn't -- this line doesn't have the
3 radio number or indicator for officer. Why is that?
4 AND I guess the next question is what does "CT" mean, so
5 maybe that answers the question, but help me unpack this
6 line.

7 A. I'm thinking "CT" probably the TXANA person, but
8 let me -- can I make a quick call?

9 Q. Sure.

10 [Off the record.]

11 A. "CT" stands for "call taken"; the dispatcher.

12 Q. Okay, so the dispatcher advised the mother to
13 lever location; is that accurate?

14 A. Yes. They're confirming that she was advised to
15 leave.

16 Q. Okay. That's fine. That's helpful. Thank you.
17 I would not have -- I would not have bet that.

18 Let's go down to 10:53:09, and I will circle
19 that. "10:53:09, MISC 22S7. Comment: 1X detained at
20 10:53." Did I read that correctly?

21 A. Yes.

22 Q. What does this line mean?

23 A. One subject was detained.

24 Q. At 10:53?

25 A. Yes.

Sheriff Eric Pagan

1 Q. And then let's look at 10:55:40. That's the
2 next page. 10:55:40, I'm going to circle that one.
3 That was a terrible circle. I'm just going to circle
4 the time, because that's safer. At 10:55:40, "Clear
5 5D11. Comment: Clear at 10:54." Did I read that
6 correctly?

7 A. Yes.

8 Q. And, as I understand this line, whoever the
9 officer was 5D11 -- that's probably in the call log
10 somewhere -- was radioing that everything was all clear
11 at 10:54. Is that accurate?

12 A. That he cleared the scene; that he left the
13 scene.

14 Q. Okay. So this means at 10:55:40, 5D11 left the
15 scene?

16 A. Yes.

17 Q. Okay. That's helpful. Thank you. We can --
18 thank you, Sheriff, for helping me understand what a
19 call slip is and how that works. I want to talk about a
20 couple more things, first of which after Justin
21 Pulliam's arrest on December 21st, 2021. Other than
22 Detective Travis James, who at the sheriff's office
23 reviewed the footage of events on December 21, 2021?

24 A. On the day of the arrest.

25 Q. Yeah, so just to be clear, I know that you

1 previously testified that you reviewed Officer
2 Rodriguez's dash camera, and then subsequently reviewed
3 the footage from the complaint, so I'm asking you who
4 else in the sheriff's office besides yourself and
5 Detective Travis James reviewed the footage?

6 A. My chief.

7 Q. And who would your chief be? Would that be
8 Chief Deputy Provost?

9 A. Yes. Chief Deputy Matty Provost.

10 Q. Okay. Anyone else?

11 A. I would believe the captain of patrol. Captain
12 Mike Fisher.

13 Q. Okay. So you have Detective Travis James
14 reviewed the footage, yourself, Chief Deputy Provost,
15 and the person in charge of the patrol; is that
16 correct?

17 A. Yes, and the -- the head -- Major Burger. So
18 myself, Chief Provost, Major Burger, Captain Fisher.

19 Q. Okay. Thank you for helping me clarify. And
20 was any sheriff's officer disciplined for their role in
21 Justin Pulliam's arrest?

22 A. No.

23 Q. Was there any -- we talked a little bit earlier
24 today about oral reprimand. Was there any oral
25 reprimand?

1 A. No.

2 Q. Was there any conversation among anybody about,
3 hey, you could have handled X, Y, or Z better?

4 A. No.

5 Q. And, as you sit here today testifying on the
6 county's behalf, is there anything that should have been
7 done differently on December 21, 2021?

8 A. No.

9 Q. Couple more questions. I want to talk a little
10 bit about the investigation of Justin Pulliam for the
11 offense of interference with public duties. I
12 understand that detective James investigated Justin
13 Pulliam for the offense. How did Detective James come
14 to be tasked with investigating Justin Pulliam for the
15 offense?

16 A. He was assigned to it by his supervisor.

17 Q. Okay, and is that the ordinary course of how
18 someone get tasked with investigating an offense?

19 A. Yes. It -- it'd be assigned, yes.

20 Q. So the supervisor of some division hands out
21 assignments of what the detectives should be
22 investigating; is that fair?

23 A. Yes.

24 Q. And is it typical for the sheriff's office to
25 assign a detective to investigate interference with

1 public duties?

2 A. It depends, yes. It depends on the situation.

3 Q. And what does it depend on?

4 A. Well, all arrests are investigated by either the
5 officer or, if it needs to be further investigated,
6 we'll assign it to an investigator, depending on the
7 situation.

8 Q. So every arrest that a sheriff's officer makes
9 is investigated?

10 A. Yes, by that officer, or by a supervisor, and,
11 if needed, by an investigator.

12 Q. Okay, so how does the sheriff's office determine
13 if an investigator is needed?

14 A. If it's a situation that garners media
15 attention. If it's a situation that have multiple
16 suspects, or multiple injuries, or if it's a major
17 crime.

18 Q. Okay, I want to break that down. What's a
19 situation that garners media attention?

20 A. Multiple -- multiple injuries, multiple
21 suspects, something that can cause injury or death;
22 something like that.

23 Q. Okay, so those are the types --

24 A. Basically, injury or death -- I'm sorry, I
25 should have said major injuries or death.

1 Q. No, that's okay. So those are the types of
2 situations where an investigator would be assigned -- a
3 detective would be assigned to investigate what
4 happened?

5 A. Yes.

6 Q. And who reviewed Detective James' findings or
7 report from the investigation of Justin Pulliam?

8 A. Supervisor of the investigator's division.
9 Would have to be that supervisor.

10 Q. And so if the supervisor -- in general, if a
11 supervisor reviews a detective's report, would the
12 supervisor tell the detective: Hey, this report has
13 certain deficiencies, and you should go back and look
14 again?

15 A. Yes.

16 Q. But if the supervisor approved the report, what
17 would happen next?

18 A. It'd just go forward, be filed --

19 Q. What is --

20 A. It gets filed. Our report will be filed in the
21 computer. It'll go as the officer wrote it. If there
22 was no corrections need to be made or anything like
23 that, it'll just go into our system, or cloud, however
24 they say it.

25 Q. I get you. So, how -- how does a -- a report --

1 a detective's report that goes into the system, like it
2 gets finalized, gets done, how does that get transferred
3 to the district attorney's officers?

4 A. We send the charges over.

5 Q. And does the sheriff's office always send the
6 charges over to the district attorney's office?

7 A. Yes.

8 Q. So it's a matter of course that every time an
9 offense investigation is completed, the report gets sent
10 to the district attorney's office?

11 A. Yes.

12 Q. Is there ever a situation where the sheriff's
13 office decides not to send the investigation results
14 along to the district attorney's office?

15 A. If charges are going to be filed, we send them
16 over all the time.

17 Q. I understand that, but, like, what if -- if it's
18 not sure if charges are going to be filed. How does
19 that -- I guess what I'm saying is separate and apart
20 from the district attorney's decision to charge someone
21 or not, there's got to be some communication between the
22 sheriff's office and the district attorney's office
23 saying, hey, here's the offenses that you need to pay
24 attention to. How does that work?

25 A. It's -- it's different in Fort Bend. In

1 Houston, we have to call the D.A. to see if they'll
2 accept charges. Here in Fort Bend, we don't do that.
3 The officer's discretion is to make that arrest, and
4 then after writing the report, they send the charges
5 over, then the D.A. can either say he or she's going to
6 accept the charges or not accept the charges. If the
7 D.A. decides not to accept the charges, we have to
8 release that individual.

9 Q. Okay, so that's helpful, thank you. Let me
10 break that down. So every time someone is arrested in
11 Fort Bend County, the officer who did the arresting
12 writes a report, and there may be an investigation if
13 it's a serious crime with multiple suspects or serious
14 injuries, and then every time those reports and
15 findings get sent to the district attorney's office,
16 and then the district attorney's office decides what to
17 do from there?

18 A. Yes.

19 Q. Okay. Thank you. I'd like to talk a little bit
20 about search warrants. Does the sheriff's office have a
21 policy on who the appropriate officer is to request a
22 particular search warrant?

23 A. No. We -- I shouldn't have said no. The
24 detectives do the search warrants. Each detective can
25 do the search warrant. It varies from detective to

1 detective, what division it's in. Not just one person
2 does it.

3 Q. So, in general, patrol officers don't request
4 search warrants?

5 A. Correct.

6 Q. Detectives request -- detectives in the
7 sheriff's office for Fort Bend County are the ones who
8 are responsible for requesting search warrants?

9 A. Yes.

10 Q. Does the sheriff's office generally require a
11 detective to have firsthand knowledge to request a
12 search warrant?

13 A. I'm not sure of your question. Firsthand
14 knowledge of the case?

15 Q. Yes.

16 A. No.

17 Q. Does the sheriff's office have a policy on the
18 requirements for an affidavit to request a search
19 warrant?

20 A. Yes.

21 Q. And what is that policy?

22 A. If the officers are being truthful at the time,
23 making their -- making their affidavit, that, to the
24 best of the knowledge, they're giving a true and
25 accurate statement.

1 Q. Sure. And is there any rule about relying on
2 the statements of other officers in the affidavit for a
3 search warrant? Is it permissible to rely on the
4 statements of other officers for a search warrant?

5 A. Yes.

6 Q. So a detective who's seeking to complete an
7 affidavit to get a search warrant can rely on the
8 statements of other officers?

9 A. Yes.

10 Q. Can -- can a detective who's seeking to write an
11 affidavit to get a search warrant rely solely on the
12 statements of other officers?

13 A. In some situations, yes.

14 Q. In what kind of situations?

15 A. If the officers were the only person there at
16 the time. The officer's the same as the detectives.
17 They're obligated to be truthful and accurate as
18 possible when giving statements, as well. It could be
19 a situation that there's no complainant there, or
20 someone -- you know, other than just the officer.

21 Q. Sure. And so I guess that naturally leads me to
22 the next question of if there's only one officer who
23 witnessed or was in the field and understands what's
24 going on, why wouldn't that officer who has the direct
25 knowledge and direct information be the one to complete

Sheriff Eric Pagan

1 the affidavit?

2 A. That officer's responsibility is to write the
3 offense report. They write the offense report and get
4 sent over to that investigative agency.

5 Q. And then whoever's investigating writes the
6 affidavit based on the report; is that correct?

7 A. Yes.

8 Q. Okay. Why don't we take a brief break, and I'll
9 just check my notes to make sure I don't have anything
10 else, and, hopefully, we'll be done from there.

11 COURT REPORTER: Off the record, 12:30.

12 [Short recess was taken.]

13 COURT REPORTER: Back on the record,
14 12:33.

15 BY MS. HEBERT:

16 Q. Sheriff, thank you for your candor, and your
17 patience with me today. I don't have any other
18 questions at this time. I pass the witness. Kevin, do
19 you have anything you want to discuss?

20 MR. HEDGES: There was one thing that I
21 think we need to clarify. Molly, could you please put
22 up Exhibit 3 for me? We're going to look at the very
23 first page at the very top. Thank you for making it
24 bigger. You've got young eyes. I don't. This is a lot
25 easier for me to read. Thank you.

Sheriff Eric Pagan

1 EXAMINATION BY MR. HEDGES:

2 Q. Sheriff, when you called your office to find out
3 what "OK" meant to response to questions, did you also
4 ask what -- in this top box here, what "control" means?

5 A. Yes.

6 Q. All right, I think earlier, you mentioned that
7 you thought it meant when the officer had the scene
8 under control. Is that what you were told when you
9 inquired?

10 A. No.

11 Q. Tell us what "control" means.

12 A. Megan said that it was officer onsite.

13 Q. So the officer was controlled to be onsite?

14 A. Yes.

15 Q. That's all I've got. I pass the witness.

16 MS. HEBERT: Sure. Thanks, Kevin.

17 FURTHER EXAMINATION BY MS. HEBERT:

18 Q. I don't think I entirely understand what that
19 means, Sheriff, so I'm going to just ask a couple of
20 follow-up questions. I understand the line before
21 "criminal" in Exhibit 3 to be saying on scene, and
22 that's when an officer is on-scene at the location; is
23 that fair?

24 A. Yes.

25 Q. Okay, so then control, what -- what does

1 "control" mean based on the additional clarification you
2 received --

3 A. Pretty much the same thing. They were on-scene
4 and okay. On-scene. Pretty much the same thing.

5 Q. So --

6 A. But --

7 Q. Go ahead. I don't mean to interrupt you.

8 A. No, I was going to say I'm going to call her
9 again. That'll just take two seconds.

10 Q. Sure, because there's two different timestamps,
11 so I'm just unclear, to I'm trying to understand.
12 That's it.

13 [Off the record.]

14 A. "Control" is the same as "OK." I'm sorry. Are
15 y'all ready?

16 Q. Sure. We've stayed on the record, so continue.

17 A. "Control" means the same as "OK."

18 Q. Okay, it seems like there's -- there's these
19 different numbers, then, in the columns, and I'm just
20 trying to understand who's communicating this at times.
21 I'm going to just circle these. We've got these
22 numbers here (indicating). What's going on in this
23 column?

24 A. CT11, CT... I don't know if that's the
25 dispatcher's number or what.

1 [Off-the-record discussion.]

2 A. That's the dispatcher's workstation.

3 Q. Okay. So "DW07" means "dispatcher workstation."
4 What does "S321" mean?

5 A. The S stands for what?

6 [Off-the-record discussion.]

7 A. That's the deputy's MDT number.

8 Q. Okay. So at 12:21:09, 32, 42, this was likely
9 Officer Lacy arriving on scene?

10 A. Yes.

11 Q. And then we've got this "12/21 control",
12 "12/21/2021", and "09:49:02", this is the dispatcher
13 indicating that everything is controlled on-scene is
14 okay; is that fair?

15 A. Yes. The same as okay. Just checking. Yes.

16 Q. I understand. Thank you for clarifying that.

17 Pass the witness, Kevin, if there's anything else
18 you want to clean up.

19 MR. HEDGES: No, we have nothing
20 further.

21 MS. HEBERT: Thank you sheriff for your
22 time today.

23 THE WITNESS: Thank you.

24 COURT REPORTER: Off the record 12:39. All
25 right, guys, thanks.

Sheriff Eric Pagan

1 MR. HEDGES: And we do want a copy.

2 COURT REPORTER: Okay, thanks a lot, guys.

3 [Deposition was concluded.]

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~~Sheriff Eric Fagan~~

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REPORTER CERTIFICATION

ORAL DEPOSITION of ERIC FAGAN, taken on August 29,
2023.

I, Sarah B. Townsley, CCR, RPR, CSR, hereby certify
to the following:

That the witness, ERIC FAGAN, was duly sworn by me,
and that the transcript of the deposition is a true
record of the testimony given by the witness;

That examination and signature of the witness to the
deposition transcript was reserved by the witness at the
time of the deposition;

I further certify that I am neither counsel for,
related to, nor employed by any of the parties in the
action in which this proceeding was taken, and, further,
that I am not financially or otherwise interested in the
outcome of this action.

Certified by me on this 13th day of September, 2023.



Sarah B. Townsley CRR CCR CSR RPR

Certified Realtime Reporter

TX CSR #5746; LA CCR #92016; RPR 814558